

Data Privacy Notice: High Court of Kerala

WHAT IS THE PURPOSE OF A PRIVACY NOTICE?

A privacy notice sets out the standards that you can expect from the High Court of Kerala and Courts under its supervisory control when we request or hold personal information (personal data) about you and what you can do if you think the standards are not being met.

WE WILL ENSURE THAT WE PROCESS YOUR PERSONAL DATA FOR THE ADMINISTRATION OF JUSTICE:

- fairly and proportionately.
- in tune with any directions of the High Court of Kerala and the Supreme Court of India and as per the provisions of applicable laws from time to time.
- only in ways that are relevant for the purposes for which it is to be used.
- Accurately in the form it is received.
- protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification, or disclosure of data.

WHAT IS YOUR PERSONAL DATA WITH RESPECT TO CASE INFORMATION SYSTEM IN COURTS?

Personal data means and includes any information about an individual relating him/her to the case details in which he/she is/was a party. It includes identifiers such as Name, House name, and such other information.

HOW DO WE COLLECT YOUR PERSONAL DATA?

We will collect your personal data from the filed cases/other applications, petitions, etc., physically and electronically, through contents of pleadings including documents and in such other form as supplied by parties to litigation and witnesses or such other persons.

SHARING PERSONAL DATA

Your personal data may be shared by the judiciary with the following persons/entities, but not limited to:

- parties to court cases and their legal representatives.
- witnesses to court cases

- other courts and tribunals in India, such as the Supreme Court of India.
- law reporters and the media generally.
- public authorities.
- regulatory bodies; and
- the public.

Your personal data may also be shared with other courts and tribunals in other countries when it is necessary further to the administration of justice or to comply with, or to fulfill legal obligations.

THE EXTENT OF RIGHTS ON PUBLICATION OF PERSONAL DATA:

- Claim for the protection of personal data based on the right to privacy cannot co-exist in an Open Court justice system.
- The right to be forgotten cannot be claimed in current proceedings or in proceedings of recent origin.
- However, the Court, having regard to the facts and circumstances of the case and duration involved related to a crime or any other litigation, may permit a party to invoke the rights to de-index and to remove the personal information of the party from search engines.
- The court, in appropriate cases, is also entitled to invoke principles related to the right to erasure to allow a party to erase and delete personal data that is available online.

IN FAMILY AND MATRIMONIAL CASES

- In this category of cases, the litigant has a right to seek masking of the identity or personal details being published and the court may pass appropriate orders regarding masking/publication, as the case may be.
- In family and matrimonial cases, arising from the Family Court jurisdiction or otherwise, the Registry of the Court will not publish the personal data of the parties and will not allow any form of publication containing the identity of the parties on the website or on any other information system maintained by the court if the parties to such litigation so insist.

* For further information, read: Vysakh K G v. Union of India, Ors., with Neutral Citation: 2022/KER/74767=2023(1) KLT 83, 2022 ICO 2343

PROHIBITIONS PROVIDED AS PER THE PROVISIONS OF LAW AND AS PER ORDERS/JUDGMENTS OF COURTS

- The Registry of the Court will not publish the personal data of the parties and will not allow any form of publication containing the identity of the parties on the website or on any other information system maintained by the court where the law does not recognize the Open Court system.
- The Registry of Courts will ensure the anonymity of victims in cases relating to sexual offences and offences relating to children. The names and details of victims will be masked in pleadings, judgments, and other documents relating to such cases. In adoption cases also, the names of the adoptive parents will be masked in the orders issued by the courts.

GRIEVANCE REDRESSAL MECHANISM

a GRIEVANCE REDRESSAL OFFICER

In case of any concerns about your personal data, you can contact the Officer in charge for the redressal of grievances at the following address.

Grievance Redressal Officer (Privacy of Parties)

High Court of Kerala,

Ernakulam- 682 031.

Email: gro.hc@kerala.gov.in

b GRIEVANCE REDRESSAL (APPELLATE) AUTHORITY

If your grievance is not redressed at the first level, you may approach the Appellate Authority at the following address.

Grievance Redressal (Appellate) Authority (Privacy of Parties),

High Court of Kerala,

Ernakulam- 682 031.

Email: graa.hc@kerala.gov.in
