

Helsinki Information Law Moot Court 2020 Clarifications

Substantive Questions

1) The problem question refers to the Journalist Act. However, at the end of the text, the Code is given. Should we assume these pieces of legislation are the same?

Yes, these are the same provisions. Newtonian legislation is enacted in the form of specific Acts, which are periodically codified. Mooters should primarily refer to the Code in their submissions.

2) Are there any national provision that implementing the ECHR in Newtonland (e.g.. the Constitution, a Human Rights Act etc.)? The text states that Newtonland has signed the ECHR. Has Newtonland ratified the ECHR as well?

Newtonland has ratified the ECHR and has incorporated its terms into its national Constitutional Code. Courts in Newtonland are entitled to suspend the application of legislation if it is incompatible with the Constitutional Code, including those derived from the ECHR.

3) What is the position of the EU Charter relating to Newtonland?

The Charter only contains binding legal force insofar as required under EU law and does not have any special implementation or power within broader Newtonian law. Where applicable, however, Newtonian courts do have discretion to consider case law relating to the Charter as persuasive when interpreting the constitutional provisions derived from the ECHR.

4) The text states the principle of subsidiary. However, one team has suggested that there is a mistake in the writing and that the principle in question should be the principle of subsidiarity. Could you please clarify this matter?

Yes, this is a typographical error in the materials. All references to subsidiary should be read as subsidiarity.

5) Is the legal system in Newtonland a common law or civil law system?

The Newtonian legal system is a civil law system.

6) Has Robson submitted any takedown requests to search engines for the pages containing damaging information about him and/or his family?

Yes, Robson has submitted takedown requests to all major search engines, but the search engines have not given consistent responses. Some have refused to delist the articles, while others have taken down the links to the original news story but have refused to take down links to the recent blog posts and forum discussions (which themselves contain links to the story), claiming that the

recent discussion is sufficiently topical and therefore should remain under the right of freedom of expression and information. In a press conference about the case, Robson expressed his dissatisfaction over this response and complained that new blog posts about his story came up so frequently that he would not have enough time to submit takedown requests for every one.

7) Does Newtonian law have a legislative act defining the age at which a child is able to provide consent for the processing of their personal data?

The Newtonian Data Protection Act, supplementing the GDPR, art. 8, defines the age at which a child is able to provide consent in relation to information society services as 13 years old. There are no other provisions regarding a child's ability to provide consent.

8) What nationality are the members of Robson family?

The Robson family all have American citizenship. They have also been granted permanent residency in Newtonland and will be eligible to apply for citizenship in two years.

9) Is Newtonland member of United Nations, Council of Europe or OSCE?

Yes, it is a member of all three.

10) When did Newtonland join the EU?

Newtonland joined the EU in 1999.

11) When was the Newtonian Journalistic Code (or its relevant part) passed in the parliament and when did it become effective?

205 N.C. §1 was passed on 19 April 2018 and came into force on 25th May 2018.

Procedural Questions

1) Is there any specific format or template required for the written submission?

There is no specific format or template required. However, mooters are reminded that their submissions should be presented in a clear and easily-followed format and must contain all of the information contained in s.2.4 of the Rules of Procedure (Version 14.09.2019).

2) (In case of being invited to oral pleading) How should participants address the judges?

Participants should address the judges as "Judge (NAME)...". The President should be addressed as "Mr/Madam President".