**Proposal for crucial amendments in Act no. 213/1997 Coll. on non-profit organizations providing generally beneficial services (from now on referred to as the "Non-Profit Organizations Act"), in Act No. 34/2002 Coll. on foundations (from now on referred to as the "Foundations Act") and in Act No. 147/1997 Coll. on non-investment funds (from now on referred to as "the Act on non-investment funds"):**

1. *Addition of the option to propose the cancellation of a non-profit organization, foundation, or non-investment fund with additional reasons*

The court, at the proposal of state authority or a person who certifies a legal interest, can cancel a non-profit organization, foundation, and non-investment fund because it does not fulfill its obligations according to special regulation referring to the footnote to the provisions of § 5 and § 6c par. 2 of Act no. 346/2018 Coll. on the Register of Non-Governmental Non-Profit Organizations (from now on referred to as the "NGO Register Act" or "NGO Register"). This provision itself is relatively vague and leaves a lot of room for different interpretations, while it should not be forgotten that footnotes are not normative. With such an essential interference in the constitutional right to association of citizens as the cancellation of a non-profit organization, foundation, or non-investment fund, it is crucial for the legislator to clearly state the specific violations that can lead to the cancellation process. As we state below, this clarity is currently lacking.

However, the draft law is currently confusing. For instance, § 5 of the Act on the Register of NGOs specifies the public and non-public data from the Register of NGOs, but it does not impose any obligations on NGOs. This Lack of clarity raises questions about the conditions under which a state authority or other concerned person can propose canceling a non-profit organization, foundation, or non-investment fund to the court.

Regarding the provision of § 6c par. 2 of the Act on the NGO Register, this is a new provision that allows a non-profit organization, foundation, or non-investment fund to be fined up to 5,000 EUR if it fails to fulfill the obligation set out in Article 6c, paragraph 1 of the Registry Act. Provision § 6c par. 1 establishes the possibility of calling on the organization to fulfill the obligations in § 3a par. 3 of the Act on the MNO Register. However, the provision of § 3a par. 3 does not exist in the Act on the MNO Register, and the draft amendment does not include it either. It is probably supposed to be a provision of § 6a par. 3 of the Act on the Register introduced only by the proposed amendment. Proposed provision § 6a par. 3 establishes the obligation for the organization in the register to notify the registry office within 90 days that it meets the conditions according to par. 1 § 6a par. 1 – i.e., that it receives financial or other material payment directly or indirectly from a foreign individual, legal person, or a domestic entity tagged as an "organization with foreign support" and which contributions individually or in total per calendar year exceed 5,000 EUR.

Outside the ambiguity of the proposed legislation, which in itself creates room for multiple interpretations, if we were to assume the intention of the legislator from the explanatory report, then the proposal introduces the possibility of the state authority or an interested person to propose to a court a cancellation of a non-profit organization, foundation or non-investment fund because it would not pay the fine imposed on it for not reporting to the registration authority the fact that its income, defined as "income from abroad" according to the draft law, has exceeded the threshold of 5,000 EUR.

It is also essential to draw attention to the fact that the other reasons for a non-profit organization's involuntary cancellation are serious or repeated violations of its obligations. Compared to not paying a fine for not reporting that a non-profit organization has received 5,000 EUR from abroad, this is a disproportionate sanction for a non-profit organization,

foundation, or non-investment fund, even if there is a safeguard of a court deciding on its cancellation.

*2. Setting of the obligations to disclose donors, contributors, and creditors of a non-profit organization, foundation, and non-investment fund*

In the provisions regarding the content of the annual report, which is compulsorily drawn up and published by a non-profit organization, foundation, and non-investment fund, the obligation to publish

- name and surname, nationality of an individual

- business name and ID number of an individual - entrepreneur

- business name, ID number, and registered office of the legal entity

if these subjects individually or collectively provided the non-profit organization with donations, contributions, loans, or other funds exceeding the amount of 5,000 EUR.

The explanatory report shows that the aim is to increase transparency based on public demands (???) and reduce the risk of using non-profit organizations, foundations, and non-investment funds for illegal activities such as money laundering or terrorist financing. Proponents argue that this contributes to responsible giving and understanding of the basics of funding and operation of non-profit entities. It also strengthens public confidence in the non-profit sector and its legitimacy and independence.

Increasing transparency is a legitimate goal, but the arguments and implementation of the proposal following the amendments in the Act on the Register of NGOs, which introduces the labeling of "organizations with foreign support" and imposes the obligation to state the nationality of an individual—the donor—appear as a tool to point out possible financing from abroad.

Non-profit organizations, foundations, and non-investment funds already have enough obligations arising from the relevant laws on which they are established, as well as from the accounting obligations; they are bound by the law on protection against the legalization of income from criminal activity in the same way as any other private law entities. They publish financial statements if even a part of the organization's finances comes from public sources or their income exceeds a specific limit; they are subject to tax laws and all other legal regulations, just like private companies. This means that if there is doubt as to whether they receive any resources that could come from criminal activity or be used for criminal activity, there are legal tools that can be used by the police against criminal conduct. If they do not comply with tax laws, they are subject to the same obligations as business entities and can be prosecuted for tax offenses. When it comes to handling public resources - whether it is a share of the income tax (2%) or subsidies or resources from the EU - these are already controlled by the awarding entities as well as the fact that the use of these resources is a non-profit organization obliged to adequately disclose if it exceeds the threshold set by law.

In the case of support of a non-profit organization, foundation, or non-investment fund from private entities (individuals or legal persons), it is taxed money, on which these persons decide under legal regulations. It is therefore essential in such legislation to weigh, on the one hand, the interest in protecting the privacy of persons who provide resources to a non-profit organization, foundation, and a non-investment fund and, on the other hand, the interest in preventing and limiting criminal conduct in which non-profit organizations, foundations or non-investment funds could be involved in. Non-profit organizations, foundations, or non-investment funds are not public entities; although they are established

for public service, they are not state or municipal entities; they are entities of private law. Suppose information about funding and activities is to be disclosed beyond how, for example, private companies disclose their funding. In that case, it is necessary to clearly define what objective is to be achieved and whether the disclosure of contributors is the only possible way to achieve this objective. Suppose we have already clearly defined control mechanisms in the laws - tax laws, the accounting law, and the law on protection against the legalization of income from criminal activity, which entirely apply to non-profit organizations, foundations, or non-investment funds. In that case, it is essential to examine the proportionality of the proposed legislative solution with potential implications for the privacy of contributors.

If trust in non-profit organizations – individually or as a whole – is low, then it is necessary to answer the question of the source of this distrust. Is it the fact that non-profit organizations, foundations, and non-investment funds do not disclose all their contributors, or is the reason also, for instance, the fact that the state representatives themselves verbally attack civil society organizations in the public space for a long time and spread conspiracy theories about "who pays them." These politicians refer to them with derogatory terms and claim that any sources from abroad that these organizations use are suspicious, which signifies that these organizations do not carry out activities in favor of the interests of the residents of Slovakia.

At the same time, the politicians who submitted the proposal did not mention any specific cases of non-profit organizations, foundations, or non-investment funds that were used for money laundering or other criminal activities, or misused public resources and were fined, or whether tax audits of these entities proved violations of the law.

3. In addition, the condition regarding the preservation of the donor's anonymity is deleted from the Act on Foundations and the Act on Non-Investment Funds when foundations or non-investment funds had the obligation to preserve the donor's anonymity at the donor's request. This anonymity has not been kept vis-à-vis the control authorities of the foundation or non-investment fund, including the police.

**Content of the proposal for amends in Act no. 83/1990 Coll. on the Association of Citizens (from now on referred to as the "Act on Association of Citizens")**

1. The civic association's statutory body must approve the annual report. This regulation follows the establishment of the obligation for civil associations (from now on referred to as "association") to prepare an annual report to the extent set by law, which was not a legal obligation until now. This is essentially an identical provision as other legal forms of MNO.

2. The possibility of dissolving the association is given to the Ministry of the Interior in the case of the organization:

- does not save the annual report in the register for financial statements

- violates obligations as in the case of a non-profit organization and other forms - i.e., some obligations arising from § 5 of the Act on the Register of MNOs, which we cannot define, or does not pay a fine for not reporting that he has income from abroad.

This provision directly interferes with the freedom of association of citizens protected by the Constitution of the Slovak Republic. Up until now, it was possible to dissolve an association by the decision of the Ministry of the Interior only if the association violated the limitations of

the right of association, which are essentially defined by law and constitution - i.e. when it developed the activities of political parties, forced people to associate or the activities of the association aimed at suppressing of the rights of others. The extension of powers to dissolve the association by the decision of the Ministry for non-fulfillment of administrative obligations is an interference with the freedom of association guaranteed by the Constitution of the Slovak Republic. We already pointed out above that the possibility of proposing the cancellation of a non-profit organization, foundation, or non-investment fund for violation of an administrative obligation or non-payment of a fine is a disproportionate sanction. Then, the dissolution of the association for non-fulfillment of administrative obligations directly by the decision of the Ministry of the Interior can be considered to be an unconstitutional interference and restriction of the freedom of association of citizens, which is enshrined in the constitution, in international conventions, in the Charter of Fundamental Rights of the EU, by which the Slovak Republic is bound. The Law on Association of Citizens from 1990, not by chance, forms the framework of fundamental political rights, which were restored and guaranteed to a large extent after 1989 and the fall of the totalitarian regime.

3. A civil association with an income of over 50,000 EUR in a calendar year must prepare an annual report and save it in the register for financial statements, just as in the case of other NGOs. The requirements for the annual report are also established, including the obligation to publish donations and contributions.

At the same time, the legislator states in the explanatory report that the income limit is set "for the maximum elimination of the administrative burden of small associations."

Plenty of civil associations are preparing and publishing their annual reports; by the Accounting Act, the relevant civil associations are also obliged to file financial statements in the register. Therefore, most associations are not against this transparency. Still, it must be said that the threshold of 50,000 EUR is set arbitrarily, and an association with an income of 50 thousand EUR can still be a small association with one employee. There is a wrong idea that non-governmental, non-profit organizations work for free or do not have employees, only volunteers. However, the opposite is true. According to recent information from a statistical survey, NGOs in Slovakia directly employ around 40,000 people.

So, if we look at how significant the association is with an income of 50,000 EUR, we find that it can easily be an association with one employee. The average salary in Slovakia was 1430 EUR per month last year (this is a gross salary; the employer's cost for an employee with a gross salary of 1430 EUR is 1933 EUR per month). The employer's annual costs per employee with an average monthly salary per year are 23,196 EUR, so if the association has one employee and some costs for the activities it implements, then it can easily exceed the threshold of 50,000 EUR. It will still be a very small civil association whose administrative costs for preparing the annual report will be significantly affected.

For the reason mentioned above, it is necessary to examine whether the current legal regulations are no longer sufficient for the regulation of associations and their control; again, it is true that when introducing specific measures related to increasing regulation, it is necessary to balance the interests concerned and establish rules concerning the goal that is to achieve, existing regulation and obligations that also apply to associations (tax laws, accounting law, law on the fight against the legalization of income from criminal activity). Suppose the association receives public resources (2% of taxes, subsidies from the state or local government). In that case, these finances must be appropriately accounted for (the accounting is controlled by the state or the local government that provided the funds), and in

the case of obtaining more than 3320 EUR from the 2% tax assignation, its use must be published by the organization. The proponents do not reflect these circumstances in any way and do not state why it is necessary to introduce additional administrative duties and costs for associations.

Once again, we would like to highlight that the dissolution of an association for failure to submit the annual report in the register of financial statements by a simple decision of the Ministry of the Interior is an unreasonable interference with the right to association.

4. The fines that the Ministry can impose due to failure to fulfill the obligation to deposit the association's annual report in the register of financial statements are established - up to 1000 EUR.

5. The Ministry's obligation to evaluate the content of the association's annual report is established. If the Ministry detects deficiencies, it calls on the association to correct them, and the only sanction for non-compliance with the Ministry's requirements is the association's dissolution.

The provisions as written in the bill are vague. It is unclear to what extent, in what way, and exactly what the Ministry of the Interior should check in the annual report. The law's wording states that it "evaluates the content of the annual report." Such authorizations of the Ministry of the Interior to control the content of the annual report are vague. Thus, the scope of the Ministry's authorization is unclear. Suppose the sanction for not removing the shortcomings of the findings of the Ministry of the Interior is to be the dissolution of the association, which is again an interference with the constitutional right of citizens to associate. In that case, it must be clear what precisely the Ministry of the Interior is authorized to check in the annual report and what the shortcomings are supposed to be. Otherwise, any deficiency in the annual report is potentially grounds for dissolution of the civil association, which is inadmissible and, above all, unconstitutional. The provision also does not specify the deadline for the correction of deficiencies or what procedure is available for the association if it does not agree with the objections from the Ministry of the Interior. The way this provision is worded appears purposeful in creating space for the Ministry of the Interior to decide arbitrarily that the association‘s annual report has deficiencies and subsequently dissolve this association. It cannot be explained otherwise. In addition, concerning this provision, the proponents state bluntly in the explanatory report: "*The tasks and supervisory body are established, which is the Ministry of the Interior of the Slovak Republic*."

The authorization of the Ministry of the Interior formulated in this way, without any legal limits, to control the content of annual reports with the most severe sanction for failure to correct deficiencies - dissolution of the association directly by the Ministry itself - is contrary to the Constitution and international conventions to which the Slovak Republic is bound, guaranteeing freedom of association as one of the fundamental political rights guaranteed after World War II.

**Proposal for amendments in the Act no. 116/1985 Coll. on the conditions of operation of organizations with an international element in the Czechoslovak Socialist Republic (from now on referred to as the "Law on Organizations with an International Element")**

The proposed amendments in this law are identical to those in the proposal of the Act on Association of Citizens, including the requirement for annual reports, involuntary dissolution, and the Ministry of the Interior's supervisory authority over the content of the annual report.

**Content of the proposal for changes in the Act on the Register of NGOs**

1. The label "organization with foreign support" is introduced for all types of NGOs (foundations, non-profit organizations, non-investment funds, civil associations, and organizations with an international element), which will have to use this label "for all actions within the association's activity" if "they receive financial or other material payment received directly or indirectly from a foreign individual or legal person or a domestic entity with the label "organization with foreign support" and whose contributions individually or in total for a calendar year exceed 5,000 EUR." The only exception is income from European funds recognized by law (income abroad will also include a grant, for example, from the European Commission directly). The fact that the organization fulfills the conditions for "obtaining the designation" must be announced within 90 days from when this circumstance occurred (i.e., probably when its income from foreign or domestic persons exceeds 5,000 EUR per calendar year). The registration authority adds the label "organization with foreign support" to the organization's name, and from then on, the organization is obliged to state its name together with this label.

2. The organization loses the label "organization with foreign support" if its income from abroad does not exceed 5,000 EUR in a calendar year but only 30 days after it files its annual report or annual financial statement in the relevant register.

3. The draft law contains sanctions for NGOs. If the registration office finds that the NGO has not fulfilled the obligation to notify that it has met the conditions for the label "organization with foreign support," the authority will call on it to fulfill the obligation. If the NGO does not notify the office, even based on the request, it can be fined up to 5,000 EUR. Along with the fine, the Ministry will set a deadline for additional fulfillment of the obligation in less than 15 days.

Apart from apparent confusions, such as citing non-existent provisions of the law concerning obligations under the Act on the Register of Non-profit Organizations, the basic non-definition of the term "foreign person," linking the non-payment of a fine to the dissolution of a non-profit organization or an organization with an international element directly by decision of the Ministry of the Interior or to a petition to the court for cancellation of a non-profit organization, foundation or non-investment fund and other content irregularities, it is clear that such a proposal conflicts with the Constitution of the Slovak Republic, international conventions on the protection of fundamental rights, which the Slovak Republic is bound by and is undoubtedly in conflict with the law of the European Union.

Regarding the law's wording - we do not know what a foreign person is. In the case of an individual (non-entrepreneur), it is a natural person without a permanent residence in Slovakia or a person who temporarily resides outside Slovakia but has a permanent residence in Slovakia and only works or studies abroad. What if the donation to the NGO is transferred from a bank account abroad, but it is a person with a permanent residence in Slovakia? Or will it be a citizen of the Slovak Republic permanently living abroad? Is he or she a foreign person or not? We cannot determine by law why it is necessary for donors who are natural persons or non-entrepreneurs to state their nationality in their annual reports when donors can be persons with permanent residence in Slovakia but without citizenship of the Slovak Republic. So, is a Czech who lives permanently in Slovakia with his Slovak wife working here as a foreigner? We do not know. How should NGOs determine who is and who is not a foreign person? This concerns all NGOs, including small associations, which do not have to make an annual report according to the submitted proposal.

It should be pointed out that the obligation to use the label "organization with foreign support" will also have, for instance, those associations that do not fill annual reports because they are not bound to do so at the moment.

I**n the past, the Court of Justice of the European Union has already made a clear statement about the nature of labeling any organizations as "foreign-supported organizations,"** which assessed the compliance of the Hungarian Law on the Transparency of Organizations that are recipients of foreign aid (the so-called "Hungarian Law on NGOs") with the law of the European Union and with the Charter of Fundamental Rights of the European Union, which, like our constitution, regulate freedom of association.

First of all, let's talk about the basic elements of the bill submitted to the National Council of the Slovak Republic:

1. Introduce the label "organization with foreign support" for all NGOs that receive more than 5,000 EUR from abroad in a calendar year

2. Obligation for all NGOs to list all contributors in annual reports if the contribution to the activity of the given organization exceeds 5,000 EUR in a calendar year

3. The possibility to dissolve a civil association or an organization with an international element directly by a decision of the Ministry of the Interior or to file a motion in court to cancel a non-profit organization, foundation, or non-investment fund if they do not pay the fine that was set for them for not fulfilling the obligation to report that they meet the conditions for the label "organization with foreign support."

4. In addition, associations and organizations with an international element are introduced to new obligations concerning annual reports, and the Ministry of Interior is authorized to evaluate the content of these annual reports with the sanction of dissolution of these organizations.

5. The NGO must use the label "organization with foreign support" everywhere in its activities, legibly and under the threat of a fine.

This draft law resembles the Hungarian law against non-governmental organizations, which was annulled by the Court of Justice of the European Union in the following parts:

1. An organization that receives foreign aid was considered to have received a monetary deposit or a deposit of other assets that directly or indirectly came from abroad, regardless of the legal reason, exceeding 1,500 EUR per year at that time. Exceptions were associations and foundations that were not considered civil society organizations, religious organizations, sports associations, and organizations of national minorities.

2. The organizations that received foreign aid had to state this fact on their home pages, publications, and media.

3. If the amount of income from abroad exceeded 20,800 EUR in a calendar year, then the organization had to send a list of donors - for natural persons, name, surname, country and place of residence, and for legal persons, name and address - with individual donations, which subsequently had to be published by the registry courts. If the amount of income from abroad did not exceed the amount of 20,800 EUR, then the organization had to send at least records of the total amount of donations and the total number of donors to the registry court. There is a difference here compared to the proposed Slovak legislation, which stipulates the obligation to list all contributors if the amount exceeds 5,000 EUR.

4. The prosecutor had the authority to control compliance with the law. He or she was obliged by law to call on the organization to fulfill these obligations at most twice, and then he could propose the dissolution of the organization, with the court deciding on this.

5. The organization could be fined up to 2700 EUR for failing to fulfill these obligations.

If we compare these two legal arrangements, they are, with exceptions, almost identical or very similar. The proposal presented in the National Council of the Slovak Republic is even stricter than the Hungarian law against non-governmental organizations because it gives stronger competencies to the Ministry of the Interior concerning associations (which, by the way, is the most used legal form of civil organizations) and organizations with an international element - it can even cancel them if they do not remove them irregularities in the annual report or do not report that they have met the conditions for using the label (in Hungary, the court had to decide on this). Stricter is also the reporting of donors and contributors in the annual report, even concerning the extent of data (nationality for individuals) that may significantly interfere with the right to privacy of these persons.

Therefore, if we proceed from the fact that, concerning the legislation in Hungary, the Court of Justice of the EU found that it conflicts with the law of the European Union and conflicts with the Charter of Fundamental Rights of the EU, then the draft law submitted to the National Assembly of the Slovak Republic will be considered as a law in violation of EU law, specifically of the free movement of capital enshrined directly in the founding treaties, and the freedom of association guaranteed both by the Charter of Fundamental Rights of the EU and the Constitution of the Slovak Republic.

Reasons of the Court of Justice of the EU:

About the free movement of capital:

1. The free movement of capital is a fundamental value of the EU, for which it was established. Article 63 of the Treaty on the Functioning of the EU (the founding legal act of the EU, which takes precedence over the laws of EU member states) states in paragraph 1 that all restrictions on the movement of capital between member states and between member states and third countries are prohibited. The EU Court of Justice has already said in the past that inheritance and gifts are capital and fall under the concept of capital movement. The prohibition of restrictions on the free movement of capital specifically includes discriminatory state restrictions, as they directly or indirectly introduce different treatment between national and cross-border movements of capital that does not correspond to an objective difference between the situations.

2. The Court of Justice of the EU further states that the Hungarian law by a combination of measures – the obligation to register that organizations withdraw money from abroad, the obligation to send a special list of supporters from abroad, the obligation to use the label of organizations with income from abroad, the obligation for registration courts to publish the list of supporters from abroad and all this under the threat of a fine or up to a proposal to dissolve the organization - prevented the free movement of capital, which can be claimed by organizations based in Hungary as well as their contributors based outside Hungary, who are the creators of the capital.

3. The Court of Justice of the EU states that all these measures aim to create an atmosphere of mistrust by stigmatizing these associations. This can discourage individuals or legal persons from other member states or third countries from providing financial assistance to Hungarian organizations. At the same time, it can motivate Hungarian organizations to refuse to accept such financial resources from abroad to avoid stigmatization and labeling.

4. In addition, the said provisions target persons providing financial assistance to the same associations or foundations from other Member States or third countries by providing for the public dissemination of information relating to these persons and this financial assistance, which may also discourage said persons from providing such assistance.

5. The provisions in question as a whole introduce a different treatment not only of associations established in Hungary, which are recipients of aid from other Member States or third countries, compared to those receiving financial aid from Hungarian sources but also of persons who to these associations provide financial assistance from another member state or a third country compared to persons who would do so from their place of residence or seat in Hungary.

6. Concerning the transparency and traceability of capital movements intended for civil society organizations, the Court of Justice of the European Union stated that even if organizations financed from abroad also participate in public life, it must be noted that the European Union is based on shared values and supports an active the participation of its citizens in public life, including when it comes to a member state other than the one in which they are established (in other words, if you live in Austria, you can easily participate in public events in the Czech Republic with the financial support of a specific civil society organization that acts publicly). Therefore, it cannot be justified for the national regulation to be based on the principle that civil society organizations that receive financial assistance from persons established in other Member States are suspect.

**The Court of Justice of the EU continues when it states that the objective of increasing the transparency of the financing of associations, however legitimate, cannot justify the legislation of a Member State, which is based on the fundamental and undifferentiated assumption that any financial assistance provided by a natural or legal person established in another Member State state or in a third country and any civil society organization that receives such financial assistance represent in themselves a possible threat to the significant political and economic interests of the member state that introduces such a measure, as well as a threat to the smooth functioning of its institutions.**

7. Finally, the Court of Justice states that even the threshold values established by the Hungarian law do not indicate that there are real threats regarding protection against money laundering because they are deficient and affect a large number of entities without the existence of a real danger of abuse of these entities.

To the violation of the Charter of Fundamental Rights of the EU

The Court of Justice of the EU states that the jurisprudence of the European Court of Human Rights shows that the right to associate freely is one of the fundamental pillars of a democratic and pluralistic society, as it enables citizens to cooperate in areas of common interest and thus contribute to the proper functioning of public life.

Concerning the right to associate freely, this right applies not only to the possibility of founding and dissolving an association but also, in the interim, to the possibility of this association existing and functioning without unjustified state interference. The ability to obtain financial resources is essential for the functioning of associations. Threats to freedom of association are specifically:

1. the declaration and disclosure obligations established by the Transparency Act could significantly complicate the activities of civil society organizations based in Hungary,

2. the obligations of registration and use of the designation "organization that is a recipient of foreign aid," which are associated with these obligations, may stigmatize these organizations,

3. sanctions associated with non-compliance with these individual obligations threaten the very existence of these organizations, as they also include the possibility of their dissolution.

Concerning the right to respect for private and family life, as well as the right to the protection of personal data, the Hungarian Act against Non-Governments limited these rights by establishing declaration and disclosure obligations, resulting in information that, depending on the specific case, include the name, country, and city of residence of natural persons or business name and place of residence of legal persons who from another Member State or a third country provided financial assistance reaching specific threshold values to civil society organizations established in Hungary, are notified by the competent court and the ministry responsible for the administration portal of civil information, and subsequently made available to the public. Such interference with the right to privacy and the right to the protection of personal data was considered by the Court of Justice of the EU to be unreasonable and unjustified due to some of the reasons that need to be fulfilled to be legitimate.