ASSET STATEMENTS IN THE CASE LAW OF THE CONSTITUTIONAL COURT OF ROMANIA

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Abstract

This case note analyses the Romanian system for declaring and publishing assets and the main changes to it that have occurred as a result of the interventions of the Constitutional Court, which has handed down numerous decisions on this matter due to the impressive number of exceptions of unconstitutionality raised in disputes pending before the administrative courts. The decisions referred to in this study essentially concern persons who are required to declare their assets, including those of their family members. Thus, the Court's case law has taken into account the professional categories established by the legislator that have this obligation, as well as the particular issue of family members' income, which was settled in the most recent decision of the Constitutional Court concerning asset declarations in May this year. The issue of the conflict between the right to privacy of persons required to submit asset declarations and the desire to combat corruption and ensure transparency in the administrative apparatus was also considered.

Keywords: *Exception of unconstitutionality; asset statements; transparency; right to privacy; National Integrity Agency; the exercise of public office and public functions.*

I. Introduction

Since the pre-accession period to the European Union, a series of primary legislation acts have entered the Romanian legal landscape, aimed at contributing to the fight against corruption in public administration and ensuring a modern, efficient framework for the exercise of public functions and dignities, under conditions of impartiality, integrity, and transparency. Among the most important laws in this area were *Law No. 115/1996* on the declaration and control of the assets of dignitaries, magistrates, persons in management and control positions, and civil servants[1], respectively *Law No. 161/2003* on certain measures for ensuring transparency in the exercise of public office, public

[1] Published in the Official Gazette of Romania, Part I, no. 263 of October 28, 1996.

functions, and in the business environment, and for the prevention and punishment of corruption[2]. Even though they have been amended numerous times, both laws remain in force until today. Following accession to the EU, *Law No. 144/2007* on the establishment, organization, and functioning of the National Integrity Agency[3] was adopted, amended, and reissued in line with Government Emergency Ordinance No. 138/2007[4]. Finally, successive legislative changes in this area culminated in the adoption of *Law No. 176/2010* on integrity in the exercise of public functions and dignities, which amended and supplemented the provisions of Law No. 144/2007, as well as other normative acts in force.

There is a vast amount of case law from the Constitutional Court of Romania on the system for declaring assets and interests, especially with regard to the provisions of Law No. 144/2007 and Law No. 176/2010. Below we review some of the most important decisions.

II. Decision No. 1412 of December 16, 2008[5]; Decision No. 131 of February 3, 2009[6]; Decision No. 1082 of September 8, 2009[7]; Decision No. 1458 of November 9, 2010[8]

– *"the contested legislative solution is fully justified, as the legislator is free to impose additional obligations on personnel performing activities of a certain nature and importance."*

Article 39 of Law No. 144/2007 lists the categories of persons (35 in total) who are required to declare their assets and interests. The list is taken over and extended to 40 distinct categories in Article 1 of Law No. 176/2010. Over time, the Constitutional Court has been called upon on numerous occasions to rule on the constitutionality of provisions covering certain categories.

An eloquent example is Article 39 (1) point 34. of Law No. 144/2007, which established the obligation to declare assets and interests for ”the staff of public institutions involved in the privatization process”. Thus, the Court ruled on the alleged violations of Article 4(2) (referring to the principle of non-discrimination) and Article 53 (referring to the restriction of the exercise of certain constitutional rights) of the Constitution that ”the criticized provisions of the law do not call into question the restriction of the exercise of certain rights or freedoms”, and the obligation thus

[2] Published in the Official Gazette of Romania, Part I, no. 279 of April 21, 2003.
[3] Published in the Official Gazette of Romania, Part I, no. 359 of May 25, 2007.
[4] Published in the Official Gazette of Romania, Part I, no. 843 of December 8, 2007.
[5] Published in the Official Gazette of Romania, Part I, no. 158 of March 13, 2009.
[6] Published in the Official Gazette of Romania, Part I, no. 314 of May 12, 2009.
[7] Published in the Official Gazette of Romania, Part I, no. 659 of October 3, 2009.
[8] Published in the Official Gazette of Romania, Part I, no. 58 of January 24, 2011.

imposed on all employees of public institutions involved in the privatization process, including staff employed under individual employment contracts, ”does not contain discriminatory provisions [...], but applies equally to all persons in the situation provided for by the legal norm”, without any differentiation within this type of staff. The obligation to submit a statement of assets/ interests is based on the need to prevent acts of corruption by certain categories of personnel, which the legislator identifies in Article 39(1) of Law No. 144/2007. The legislator is free to adjust the scope of legal subjects who are required to submit such a statement. Therefore, this obligation has been extended also to the contractual personnel involved in the privatization process as to the persons who are not public dignitaries or do not occupy a public management position. At the same time, the assessment of the scope of the personnel subject to the aforementioned obligation will always be made on a case-by-case basis, since ”not every employee of the institution with privatization responsibilities will be required to submit such statements”. In the case of personnel involved in the privatization process, the imposition of additional obligations is required precisely because of ”the connection with the management of public funds”, but also because of the specific nature of the duties they perform.

In a case concerning the settlement of a complaint against a contravention report issued by the National Integrity Agency, an exception of unconstitutionality was raised with regard to the provisions of Article 39 (1) point 29. of Law No. 144/2007, which refers to ”persons with management and control functions, as well as civil servants, including those with special status, who carry out their activities within all central or local public authorities or, as the case may be, within all public institutions”. The Court rejected the petitioner's arguments that the formulation chosen by the legislator would include all employees of public institutions in a discriminatory manner.

In order to point out the legislative dynamics, it is interesting to mention that by the time the decision was handed down, Law No. 144/2007 had been reissued according to Article II of Government Emergency Ordinance No. 138/2007, so that the provisions of Article 39 (1) point 29. have been moved to Article 41(1) point 29. Following the re-enactment, Law No. 176/2010 was adopted, which, by repealing the provisions of Article 41 of Law No. 144/2007, took over the legislative solution contained in Article 41 (1) point 29. and incorporated it into Article 1 (1) point 31. of Law No. 176/2010. The case law of the Constitutional Court also covers such a case. Thus, in Decision No. III/1995 of the Plenary Session of the Constitutional Court[9], the Court ruled that if, ”after an exception of unconstitutionality has been raised before the courts, the legal provision subject to review has been amended, the Constitutional Court shall rule on the constitutionality of the legal provision in its new wording, only if the legislative solution in the amended law is, in principle, the same as that before the amendment”.

[9] Published in the Official Gazette of Romania, Part I, no. 259 of November 9, 1995.

III. Decision No. 415 of April 14, 2010[10]

– *"the obligation provided by law to publish statements of assets and interests [...] disregards the right to respect for private life, enshrined in Article 26 of the Basic Law, [...] by objectively and rationally unjustified exposure [...] on the internet of data relating to the assets and interests of individuals".*

Following a challenge to the constitutionality of several provisions of Law No. 144/2007, the Court also ruled on the provisions of Article 11(e), (f) and (g), Article 12(2) and Art. 42 para. (2), (3) and (4), which "provide for the obligation to publish statements of assets and interests on the websites of institutions, as well as to transmit them to the National Integrity Agency for publication on its website".

III.1. Legal provisions criticised by the author of the exception of unconstitutionality

Art. 11 regulates the duties of the person designated within each institution 1). to ensure the publication, on the institution's website or on its own notice board, of statements of assets/interests or to publish the names and positions of persons who do not submit their statements within a maximum of 15 days from the expiry of the legal deadline for submission, and 2). to send the National Integrity Agency (ANI) certified copies of the statements of assets/interests received, which the Agency publishes on its own website. In the event of a correction to the statement, the correction shall be sent to the Agency, together with any supporting documents (in accordance with Art. 12 para. (2)). Art. 42 regulates the legal system of statements of assets/interests in the case of candidates for the office of President of Romania, or for the office of deputy, senator, county councilor, local councilor, or mayor – in these cases, the statements are sent to the competent electoral authority and published on the ANI website, as well as in the Official Gazette of Romania, Part III (only the declarations of the Presidential Candidates).

III.2. Relevant Provisions. Ruling of the Constitutional Court

The Court upheld the exception of unconstitutionality with regard to the articles indicated, arguing that "public authorities must respect and protect intimate, family, and private life", including with regard to the negative dimension of this right, which refers to the state's obligation "not to do anything that would hinder the exercise of the right to private life". Thus, the Court finds that the publication of statements of assets/interests on the websites of the institutions where individuals are required to submit them, as well as their transmission to the ANI for publication on its own website, "disregard the right to respect for private life" enshrined in Article 26 of the Romanian Constitution, "by objectively and rationally unjustified exposure [on the internet] of

[10] Published in the Official Gazette of Romania, Part I, no. 294 of May 5, 2010.

data relating to the assets and interests of persons who are required by law to submit statements of assets and interests".

IV. Decision No. 663 of June 26, 2012[11]; Decision No. 204 of April 29, 2013[12]; Decision No. 316 of June 18, 2013[13]; Decision No. 495 of October 7, 2014[14]

– *"the legislative solution of publishing statements of interests [is constitutional] in light of the legal purpose of the National Integrity Agency, [as well as by the fact that] the publication of these statements is carried out, according to Article 6 (1) e) of Law No. 176/2010, by anonymizing personal data, thus ensuring guarantees against arbitrary interference".*

IV.1. Criticised legal provisions and main arguments of the referral

The authors of the exceptions of unconstitutionality essentially argue that "the provisions of Article 6 (1) e) of Law No. 176/2010 contravene [the right to private, family, and personal life, as well as] the considerations of Constitutional Court Decision No. 415 of April 14, 2010, because they continue to stipulate the obligation to publish declarations of assets/ interests on the website of the National Integrity Agency and the institution where the persons covered by the law are required to submit them". However, "the unjustified and repeated disclosure on the website or on the notice board of the institution of data relating to the assets and interests of persons to whom the law applies", combined with the fact that assets are an attribute of the person, breaches the right to one's own image and to private life, while also creating new criteria for discrimination based on economic status. Art. 6 (1) e) regulates the duties of persons responsible for implementing the provisions relating to statements of assets/interests, with regard to their display on the website or notice board of the institution where the person is required to submit the statements.

IV.2. Relevant Provisions. Ruling of the Constitutional Court

The Court, dismissing the exception of unconstitutionality, finds that "the right to intimate, family, and private life is not absolute, but, under certain conditions, may be subject to certain limitations, restrictions or interference by the authorities" if these restrictions "represent measures necessary in a democratic society for national security, public safety, the economic well-being of the country, the defense of order and the prevention of criminal acts, for the protection of health or morals, or for the protection of the rights and freedoms of others". Based on these legal findings, the Court ruled that

[11] Published in the Official Gazette of Romania, Part I, no. 596 of August 24, 2012.
[12] Published in the Official Gazette of Romania, Part I, no. 349 of June 24, 2013.
[13] Published in the Official Gazette of Romania, Part I, no. 520 of August 24, 2013.
[14] Published in the Official Gazette of Romania, Part I, no. 857 of November 24, 2014.

the criticised legislative solution is justified, on the one hand, by reference to the legal purpose of establishing the National Integrity Agency – ensuring integrity in the exercise of public office or functions, and preventing institutional corruption –, and, on the other hand, because "the publication of these statements is carried out [...] by anonymizing personal data, thus ensuring safeguards against arbitrary interference".

V. Decision No. 297 of May 29, 2025[15]

– *"the need to inform the public and to control assets cannot lead to disproportionate interference in the private lives of persons required to declare their assets".*

In May 2025, the Constitutional Court handed down a landmark decision for the asset declaration system, based on an exception of unconstitutionality raised in a case concerning the settlement of a complaint against a contravention report issued by the National Integrity Agency for the finding and sanctioning the omission by the author of the exception to include her husband's income in the annual asset statement provided for by Law No. 176/2010.

V.1. Criticised legal provisions

The criticised legal texts are from Law No. 176/2010 on integrity in the exercise of public functions and dignities, amending and supplementing Law No. 144/2007 on the establishment, organisation and functioning of the National Integrity Agency, as well as amending and supplementing other normative acts[16], and have the following normative content:

- Art. 3 (2): "(2) Statements of assets shall be drawn up on one's own responsibility and shall include the rights and obligations of the declarant, their spouse, and dependent children, in accordance with Annex No. 1".

- Art. 6 (1) d): "Persons responsible for implementing the provisions relating to statements of assets and statements of interests are required to register in this capacity on e-DAI and have the following duties: (...) d) ensure the display and maintenance of statements of assets and statements of interests, provided for in Annexes 1 and 2, on the institution's website, within a maximum of 30 days of being received, by anonymizing the address of the declared properties (with the exception of the locality where they are situated), the address of the institution that manages the financial assets, the personal identification number, and the handwritten signature. Statements of assets and statements of interests shall be kept on the website of the institution and the Agency for the entire duration of the office and for three years after their end, and shall be archived in accordance with the law;

[15] Published in the Official Gazette of Romania, Part I, no. 543 of June 12, 2025.
[16] Published in the Official Gazette of Romania, Part I, no. 621 of September 2, 2010.

- Art. 12 (6): ”(6) The [National Integrity] Agency shall ensure that the statements of assets and statements of interests, provided for in Annexes 1 and 2, are posted on the Agency's website within 30 days of being received, by anonymizing the address of the declared properties (with the exception of the locality where they are situated), the address of the institution managing the financial assets, the personal identification number, and the handwritten signature. The statements of assets and statements of interests shall remain on the Agency's website for the entire duration of the office or mandate and for three years after its end and shall be archived in accordance with the law”.

V.2. Main arguments of the referral

In support of the exception raised, several grounds of unconstitutionality are brought forward:

(1) Since asset statements are completed on one's own responsibility, they become personal documents in which the declarant assumes the reality of all that is declared, otherwise criminal law or contravention law becomes applicable. In accordance with Article 3(2), the person completing the statement of assets must indicate not only their own rights and obligations, but also those obtained by another person, namely the spouse or dependent children. In this case, the author, who is required to fill in her husband's income, claims that his salary is confidential, according to the individual employment contract with his employer, and that her husband did not provide her with this information, as he is under no obligation to do so. There may also be situations when the declaring spouse is not interested in the exact income of the other spouse or when the latter does not wish or is unable to disclose their income for the previous year. In such situations, the person obliged to submit the asset statement is objectively unable to complete the section relating to the other spouse's income, but nevertheless must assume responsibility for the accuracy of the information declared, including with regard to the spouse's income, and bear the consequences under criminal or administrative law. Thus, Article 28 of Law No. 176/2010 specifies that the act of persons who intentionally submit asset statements that do not correspond to the truth constitutes the offense of false statements, regulated in Article 326 of the current Criminal Code, and Article 29 states that omission to declare the amount of income earned in the declaration drawn up in accordance with Annex No. 1, or declaring it with reference to other documents, constitutes an administrative offense.

(2) With regard to the provisions of Article 12(6), the author of the exception considers that ”the anonymization of certain data is not sufficient to guarantee compliance with the provisions of Article 26 of the Constitution”. The legal provisions ”require the person responsible to publish the asset with the anonymization of the address of the declared properties, the address of the institution that manages the financial assets, the personal identification number, and the handwritten signature”, but even so, 1). the place of the assets of the person making the statement is not

anonymized, which allows for their relatively easy identification, nor are 2). the names of the declarant's spouse or children. This ”results in the violation of the constitutional norms relating to the right to intimate, family, and private life, as well as the right to property”.

V.3. Relevant Provisions. Ruling of the Constitutional Court

(1) Regarding Article 3(2), the Court notes that the statement can only cover information strictly related to the person making the asset statement, for which they can take responsibility, directly and individually. The statement can engage the criminal liability of the declarant, which is why it can only be made in one's own name, as no one can be held criminally liable for the actions of another person. The legal provisions establishing the obligation to declare the rights and obligations of the spouse or dependent children are unconstitutional, as they ”ignore situations that may arise in practice, in which the obligation is impossible to fulfill”. The Court emphasizes that ”it is not the obligation to declare the income/assets of these persons *per se* that is unconstitutional, but the liability of the declarant for the accuracy [of information that they do not have/know directly, but have to obtain from a third party]”. It is possible that the third party (spouse or dependent adult child), whose conduct cannot be held criminally or administratively liable, may refuse to provide, for various reasons, data relating to their income or even provide incorrect information, and the declarant may thus be forced to record incorrect data, without being able to verify it, in order to avoid the criminal penalty applicable for the offense of false statements or the administrative penalty.

1. By Decision No. 651 of December 15, 2022, the Court held that the obligation to declare the spouse's income is instituted by law, being justified by the purpose of ensuring integrity in the exercise of public office and functions and not constituting an interference in the private life of the other spouse.

2. With regard to the rights and obligations of children in the declarant's care, it is considered that parents can only know their extent personally and directly in the case of minor children, because ”they conclude legal acts on their behalf, as legal representatives, until they reach the age of 14, and in the case of minors with limited legal capacity, they approve their legal acts”. In the case of children who have reached the adult age and may be in their parents' care until the age of 26, if they are continuing their studies, the parents can no longer personally and directly ascertain the acts concluded by them, as they have already acquired full legal capacity to conclude legal acts in their own name.

Therefore, the Court considers that the Article 3(2) of Law No. 176/2010 is constitutional as long as it does not refer to the rights and obligations of the declarant's spouse or adult children who are dependent on him or her. Any other interpretation would be contrary to the provisions of Article 1(5) of the Constitution, as it fails to comply with the qualitative requirements that legal texts must meet in order to be in accordance with the principle of legality.

(2) With regard to the criticism of Article 12(6), the Court finds that ”the anonymization of the elements mentioned in the criticised legal text is not sufficient to ensure the confidentiality and protection of personal data and, implicitly, the protection of privacy and human dignity”.

2.1. Address of buildings

With regard to the address of the properties, not only the name of the street and the number of the property on that street are personal data, but also the place in which the property is located, since ”many times knowledge of the locality makes it easy to identify the properties owned by the declarant and their family members”, especially if the persons concerned ”live in rural or small urban areas where local communities are limited”, and such information becomes widely known. The address of a property, whether presented in a specific form (indicating the locality, street, number, apartment) or in a determinable form (indicating the locality), constitutes personal information regarding the content of a person's assets and the way in which they manage and exercise control over their own assets. Consequently, the public disclosure of such information, required by law, amounts to a direct and unjustified breach of the right to privacy.

2.2. First and last names of spouse and children

The Court points out that Law No. 176/2010 does not contain any provision requiring the individualization of the declarant's spouse and children by indicating their first and last names, the obligation to mention them by name being mentioned only in the *Guide for completing statements of assets and interests* drawn up by the National Integrity Agency. That is a document with technical, guidance role, without legal force and without normative value. A person's first and last name are personal data, regardless of whether or not they are sufficient to identify that person in a given situation. An analysis of the provisions of Law No. 176/2010 therefore shows that, in addition to specifying the amount of income earned, a generic reference to the existence of the other spouse and children is sufficient to fulfill the obligation imposed by the legal provisions in question. Therefore, with reference to the case law of the Court of Justice of the European Union, which is strongly focused on the need to protect personal data, the Court rules that the publication of asset statements containing the first and last names of the spouse and children, together with details of their income, on the website of the institution where the declarant works and on the website of the National Integrity Agency constitutes a disregard of the provisions of Article 26 of the Constitution (referring to the right to privacy).

(3) Proportionality test

Taking into account the current social and legislative context, which places particular emphasis on the protection of personal data, and given the evolution and diversification

of technological means, with their massive potential for intrusion into private life, the Court considered it appropriate to carry out a proportionality test with regard to the measure of publishing asset statements on the websites of institutions and the National Integrity Agency. The publication of asset statements does not in itself deny the right to privacy, but it does affect it, and "in order to assess the intensity of this effect, it is necessary to analyze *whether the measure of publication pursues a legitimate purpose* and *whether it is proportionate to the legitimate purpose pursued*, more specifically *whether it is appropriate, necessary, and ensures a fair balance between the rights affected*".

3.1. Legitimate purpose

Enacted in 2010 with the aim of preventing corruption and ensuring transparency in political life, especially in the case of persons holding decision-making positions within the state apparatus, the legal provisions criticised undoubtedly pursue a legitimate purpose.

3.2. Proportionality of the publication measure to the legitimate purpose

The publication of asset statements on the website of the National Integrity Agency and of the institution to which the declarant belongs is appropriate *in abstracto* to achieve the proposed purpose, but it is not necessary, given that there is a "sufficient legal framework that allows the legitimate purpose to be achieved [...] by exercising responsibilities in verifying asset statements, data and information on assets, as well as changes in assets, incompatibilities and potential conflicts of interest in which the persons referred to in Article 1 of Law No. 153/2017 may find themselves during the exercise of their public functions and duties".

Thus, among the existing control mechanisms there are (1) the *integrity inspectors within the ANI* with responsibilities for receiving, collecting, centralizing, and processing data and information on the situation of assets existing throughout the entire period of exercising public offices and functions, but also for evaluating asset statements in terms of both form and content. Moreover, Article 10 of Law No. 115/1996 established, within each court of appeal, so-called (2) *asset investigation commissions*, consisting of two judges and a prosecutor, which receive the assessment reports submitted by the National Integrity Agency and, where appropriate, issue a reasoned order, whereby they may transmit the case for settlement to the court of appeal in whose jurisdiction the person whose assets are subject to control resides. Thirdly, Framework Law No. 153/2017 on the remuneration of personnel paid from public funds, published in the Official Gazette of Romania No. 492 of June 28, 2017, established (3) *the rule of transparency of salary income* in Article 33(1), according to which all public authorities and institutions are required to publish at their headquarters and on their website, on March 31 and September 30 of each year, a list of all positions in the respective public authority or institution that fall into the category of personnel paid from public funds.

The list includes, among other things, the basic salary; the types, basis of calculation, percentage rate, gross value of bonuses, and the legal basis for their award; the annual value of holiday vouchers to be awarded and the legal basis for them; the annual value of the meal allowance, as well as the legal basis for granting it; any other rights in cash and/or in kind, if applicable, as well as their legal basis.

3.3. The balance between the rights affected

The issue of publishing asset statements on the internet raises the question of whether personal data should be considered information of public interest on the grounds that it concerns a person holding public office/dignity. In other words, there is an artificial transfer of elements that are intrinsic to the right to privacy, regulated by Article 26 of the Constitution, into the sphere of the general right of every individual to have access to any information of public interest, regulated by Article 31 of the Constitution. Therefore, a balance must be found between the public interest in knowing information that confers trust in the ethical standing of a person holding public office and the respect for that person's private life. The delivery of such an excessive and massive amount of personal data into the public domain clearly demonstrates that the balance which should characterize the relationship between the two aforementioned fundamental rights is affected. Displaying asset statements alters the original purpose of the law by provoking public curiosity in reading these declarations, exposing the declarant to unreasonable public attention, and storing the data and asset statements for an extended period of time on the internet. The possibility thus granted to any person to access detailed aspects of the financial and material situation of the declarant and his family undermines the security and dignity of the person, as well as the personal universe that shapes his private and family life, contrary to Article 26 of the Constitution. The information provided reveals characteristics of the person relating to their lifestyle, inferred from the way in which they use the income they earn, how they invest or save it, highlighting particularly personal aspects of their life, which should be protected from the perspective of personal data.

VI. Conclusions

The system for publishing asset statements highlights the conflict between two fundamental rights: the right to privacy, which can be invoked even by citizens who hold public office, and the collective right of access to any information of public interest. Both dignitaries and civil servants represent the state in the exercise of their duties, but they do not fully identify with it; rather, they remain distinct legal subjects outside the exercise of their office. That is why it has been stated in legal doctrine that public officials/dignitaries are both *holders and addressees of fundamental rights*: holders, because like any citizen, public officials/dignitaries can exercise fundamental rights or

claim that such a right has been violated, and addressee when they act on behalf of the state that, in principle, is not endowed with fundamental rights but, on the contrary, has a positive obligation to ensure the unhindered exercise of such rights by citizens, intervening only in exceptional circumstances.

Starting from the dichotomy between holder and addressee of fundamental rights, German professor J. Isensee addressed the issue of the application of fundamental rights in the case of dignitaries/public officials by analyzing the legal relationships in which they enter and classifying these relationships into three distinct categories: the sphere of office (*Amtsbereich*), the sphere of service relationships (*Dienstbereich*), and the private sphere (*Privatbereich*). Thus, in the first category, comprising relationships arising directly from the exercise of office, the dignitary/civil servant acts on behalf of the state and in pursuit of the public interest, from which it follows that fundamental rights are applicable to them only in the exceptional case where the exercise of their official duties in some way affects their private sphere. In service relationships established mainly within the authority to which the dignitary/public official belongs, the invocation of fundamental rights is, in principle, possible, given that the official/dignitary acts from a personal legal position, from which their own subjective rights may also result. Finally, in the private sphere, the dignitary/public official can, in principle, invoke all fundamental rights, just like any other ordinary citizen. These three spheres can often overlap in practice, so that while there is a fairly fine distinction between the first two spheres mentioned, the collision is much stronger and more resonant in the case of the overlap between the sphere of office and the private sphere[17].

The German Constitutional Court has proposed the so-called *method of practical concordance* to resolve the collision between two or more fundamental rights or constitutional interests[18]. This method essentially provides that fundamental rights should not be ranked in an absolute manner, but rather that it is desirable to harmonise and balance them in a way that allows, as far as possible, the practical realisation of each of the conflicting fundamental rights. This recent decision of the Constitutional Court of Romania can also be read in the light of this theory of practical concordance. Thus, finding that Romania has one of the most intrusive systems of asset declaration, the Court did not rule in favor of eliminating the obligation of persons covered by the law to submit asset statements, exclusively upholding the right of civil servants to privacy, but only ordered that these statements no longer be made public, given the risks associated with the management of sensitive information that have arisen in the context of the unprecedented development of new technologies.

[17] M. Sixt, *Whistleblowing im Spannungsfeld von Macht, Geheimnis und Information*, Springer Vieweg Publishing House, Wiesbaden, 2020, pp. 141-142.

[18] M. Sixt, *op. cit*., p. 149.