



TRIBUNAL CONSTITUCIONAL
Gabinete del Presidente
Oficina de Prensa

NOTA INFORMATIVA Nº 83/2013

THE CONSTITUTIONAL COURT GRANTS CONSTITUTIONAL RELIEF TO GONZALO MIRÓ FOR BREACH OF HIS FAMILY INTIMACY RIGHT.

The Constitutional Court has granted constitutional relief to Gonzalo Miró Romero, the son of the deceased Pilar Miró, following a breach of his personal and family intimacy rights caused by certain information divulged regarding the identity of his father whose particulars both him and his mother have never made public. The ruling issued by the Constitutional Court annuls a judgment given by the Supreme Court on June 30, 2010.

The facts took place on August 16, 17 of 2005, dates in which the TV programs "*Aquí hay tomate*" and "TNT" belonging to the network Telecinco "*broadcast certain information on the identity of the father of the appellant by means of certain features with a voice over and including certain statements made by journalists participating in a live discussion regarding this matter*".

The judge Luis Ignacio Ortega has been the rapporteur judge in this Ruling of the Constitutional Court which dismisses the arguments invoked by the Civil Division of the Supreme Court that considered that no breach of his intimacy right had been perpetrated because the information released did not identify the father of the appellant but simply referred to "*potential persons who could have been his father*".

"This reasoning is unacceptable, because no one is expected to passively accept any disclosure of real or fictional data regarding his private or family life (...). In fact, the mere discussion as to the different persons who could potentially have been the father of the appellant entails a breach of his intimacy right, considering moreover that he always wished to keep this information in secret".

According to the Constitutional Court, in this case the right to intimacy should not be subordinate to the right of information, because the identity of the father of the appellant is not a matter of "*public interest*". In any event, the interest which this matter may have had "*for a smaller or larger audience*" does not justify the breach of his right to privacy and personal intimacy. The Constitutional Court highlights the fact that according to well-grounded case law from this Court, the fact that a person is a celebrity does not imply that he is not entitled to a private life. "*Although it is a fact that celebrities inevitable suffer a diminishment of their private life, it is also true that beyond what is of public domain, they also have a personal life which is subject to privacy rights, and therefore the constitutional right that enshines such domain of their life is not lessened in those areas in which such person has considered to be strictly personal and therefore subject to restricted information in the same terms as any other person who is not a celebrity*".

The Constitutional Court therefore considers that *"the privacy rights of the appellant have been breached because to discuss the potential identity of his father in TV shows is not protected by the freedom of information right considering that such information is of hardly any interest or of no interest to the general public"*.

According to its case law, the Constitutional Court does not make any award as to the indemnification amount decreeing that the Supreme Court should issue a new judgment *"taking into account that the privacy rights of the appellant have been breached"* and including a specific provision on the amount payable to the appellant by way of indemnification.

Madrid. November 27, 2013.