International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Data Protection, Criminal Records and the Media: Norms and Practices from a Comparative International Perspective

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https://doi.org/10.1387/inecs.29295

Abstract: This article draws on Díez Ripollés' inclusive criminal policy model to examine, from an international comparative perspective, the intersection between data protection, media freedom, and the exclusionary effects associated with access to and dissemination of criminal records. The study applies the RIMES instrument, focusing on Items 100 and 107, which capture two complementary dimensions of penal exclusion: the legal rules governing access to criminal records and media practices concerning the dissemination of identifying information about ex-convicts. By combining the analysis of formal legal frameworks with media practices, the study examines both the regulatory framework and its practical implementation across different jurisdictions. This approach makes it possible to identify divergences between law and practice within the jurisdictions analysed, as well as cross-national differences in the public visibility of criminal records. The findings reveal different legal models, tensions between legal provisions and journalistic practices, and an apparently paradoxical case in Europe: Poland, where an exceptional regime of public access to certain criminal records coexists with significant legal and practical restrictions on the dissemination of information about ex-convicts by the media.

Keywords: *Penal exclusion, Freedom of expression, Social reintegration, Social stigma*

1. Introduction

The accessibility and dissemination of criminal records constitute a critical point of tension at the intersection of data protection, media freedom, criminal policy and criminology, particularly in relation to mechanisms of informal social control. While modern criminal justice systems formally recognise the importance of rehabilitation and social reintegration, as reflected in supranational instruments such as the United Nations *International Covenant on Civil and Political Rights* (ICCPR, art. 10(3)) and the Council of Europe *European Prison Rules* (Recommendation Rec(2006)2-rev, adopted in 2006 and revised on 1 July 2020), these developments must be situated within broader transformations associated with the rise of a communication society, in which the production, circulation, and accessibility of information have become central structuring features of social life (Castells, 1996).

Although this is not a generalised practice across Europe, in some jurisdictions, such as the United States, legal access to criminal records is granted to the general public in the name of transparency, in line with a model of criminal policy more oriented towards security and control than the safeguarding of fundamental rights (Díez-Ripollés, 2004). Within the European context, the General Data Protection Regulation (European Union, 2016) establishes a robust legal framework aimed at protecting personal data, including information

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ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

relating to criminal convictions. This framework reflects a broader commitment to safeguarding privacy and promoting reintegration by restricting access to sensitive information. However, at a non-normative but practical level, the dissemination of information about former offenders through media channels constitutes a widespread reality in many countries, driven by the prominence of crime as a central object of media attention, often associated with discourses of fear and representations of a constructed "other" as a narrative device (Machado, 2004).

Thus, the circulation of criminal record data is not confined to formal legal mechanisms. Media practices, in particular, play a significant role in shaping the public visibility of criminal pasts, often relying on simplified representations and blending information with entertainment, phenomena commonly described as "infotainment" (Butler & Hartshorn, 2011).

This duality highlights the complex relationship between normative regulation and social practice in relation to criminal records, data protection, reintegration, and social control. While access to criminal records may be formally restricted, the routine dissemination of such information through media channels may reproduce similar effects of exposure and stigma. From a criminological perspective, this raises concerns about the extension of punishment beyond its formal limits and the persistence of mechanisms of social exclusion affecting individuals who have already served their sentences.

In order to analyse these dynamics, this article adopts a comparative approach that allows for the systematic examination of forms of penal exclusion related to the protection and dissemination of criminal record data across different jurisdictions. The analysis focuses on two dimensions: first, the legal accessibility of criminal records; and second, the practical dissemination of identifying information about former offenders through the media. By combining these dimensions, the study seeks to capture both the formal regulatory framework and its social practices.

The comparative analysis covers selected European Union countries, England and Wales in the United Kingdom, and selected states in the United States in order to identify different regulatory models governing access to criminal records. The article is grounded in the theoretical framework of the inclusive criminal policy model (Díez-Ripollés, 2024), which emphasises the importance of limiting the long-term consequences of penal intervention and promoting social reintegration. From this perspective, both unrestricted access to criminal records and their widespread dissemination in the media may constitute mechanisms of penal exclusion, insofar as they contribute to the persistence of stigma and the extension of punishment beyond the sentence.

Against this background, the article pursues two main objectives. First, it aims to assess the extent to which different legal systems allow access to criminal record information. Second, it examines whether the media regularly disseminate identifying information about former offenders. The analysis is conducted at two levels. On the one hand, it explores, within each selected country, whether the legal regulation of access to criminal records aligns with media practices of dissemination, or whether divergences exist between these two dimensions. On the other hand, it undertakes a cross-national comparison using these same categories in order to identify different regulatory and practical patterns. This dual approach

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ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

makes it possible to reflect on the relationship between data protection frameworks and the informal circulation of criminal record information through media channels, as well as on their role as forms of penal extension that reinforce social exclusion and undermine reintegration. In doing so, the study contributes to the broader debate on the limits of transparency, the protection of personal data, and the role of the media in contemporary criminal justice systems.

This article forms part of the results of the research project Grant PID2024-158413NB-I00, funded by MICIU/AEI/10.13039/501100011033 and by the European Regional Development Fund (ERDF/EU), entitled *Towards a Criminal Policy Model of Social Inclusion: Transformation of Criminal Agencies to Reduce Exclusion and Promote Inclusion*. The Principal Investigators are Elisa García-España and Pablo Rando.

2. Theoretical framework

The analysis of access to and dissemination of criminal records can be situated within the framework of the inclusive criminal policy model, as developed by Díez-Ripollés (2024). This model advocates for a criminal justice system oriented toward social integration and the reduction of exclusionary effects derived from penal social control agencies. From this perspective, punishment should not extend indefinitely through mechanisms that perpetuate the marginalization of individuals who have already completed their sentence. However, contemporary criminal justice systems often generate long-term consequences that go beyond the formal penalty. These dynamics lie at the core of what has been conceptualized as the social exclusion produced by the penal system (Díez-Ripollés, 2023; García-España & Cerezo, 2024).

Recent criminological literature has emphasized that criminal records generate significant collateral consequences, affecting not only formal rights but also broader social opportunities and identities (Corda et al, 2023). Empirical studies show that individuals with criminal records experience persistent stigma, reduced employment opportunities, and long-term social marginalization (Moore et al., 2024; Weaver et al, 2024). These effects are not limited to institutional restrictions but are also shaped by the public visibility of criminal histories. In this sense, the dissemination of criminal record information, whether through official or informal channels, plays a crucial role in sustaining exclusionary dynamics. These processes can be analysed through the lens of labelling theory, which has been revisited and empirically expanded in recent research. Contemporary studies confirm that labels associated with criminal justice involvement have a powerful impact on public perceptions and individual life trajectories. The use and dissemination of categories such as "criminal" or "ex-offender" contribute to the reinforcement of stigma and social distancing (Denver et al, 2024; Heilichere et al, 2025).

According to the inclusive criminal policy model, agencies of penal social control are those whose direct purpose is the prevention of crime, including both state institutions and auxiliary actors operating under public regulation (Díez-Ripollés, 2024). Although media institutions do not qualify as formal agencies of penal social control in the strict sense proposed by Díez-Ripollés (2024), as they do not pursue the direct objective of crime prevention, their role in the circulation of information about criminal pasts places them

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within broader dynamics of social control. Drawing on criminological literature on the mediatisation of crime (Surette, 2015; Jewkes, 2015; Greer & Reiner, 2012), as well as theoretical approaches that emphasise the diffuse and networked nature of power in contemporary societies (Castells, 1996), media practices can be understood as producing effects analogous to penal intervention. By publicly exposing and reinforcing stigmatizing labels, the media contribute to processes of social exclusion and to the extension of punishment beyond its formal boundaries. In this sense, they operate not as penal institutions, but as key actors within a broader ecology of social control that sustains and amplifies penal exclusionary consequences over time.

Within this framework, analysing media practices becomes particularly significant. Media institutions act as key intermediaries in the circulation of information (Scheufele & Tewksbury, 2007). Crime-related media narratives often function as simplified moral dramas that resonate with basic social anxieties, such as fear, security, and the construction of the "other" (Greer & Jewkes, 2005). As widely documented in criminological research, media coverage tends towards simplification and personalization, contributing to the construction of stereotypical images of offenders and reducing complex trajectories to simplified narratives, while also functioning as a form of social control (Jewkes, 2015; Greer & Reiner, 2012). These practices are not merely descriptive but are embedded in broader media logics, including the pursuit of audience attention, emotional engagement, and market competitiveness. Media representations of crime are selective and often shaped by narrative and commercial imperatives, contributing to the construction of public perceptions of offenders and reinforcing processes of stigma and social exclusion (Surette, 2015).

These dynamics can also be interpreted through the concept of moral panics, originally developed by Stanley Cohen (1972), which describes how media amplification can generate heightened social concern about crime and deviance. The repeated exposure of identifiable individuals contributes to the construction of simplified and often stigmatizing narratives, reinforcing public perceptions of threat and deviance. In this context, the regular disclosure of personal data relating to former offenders may function as a mechanism of social control that extends beyond the formal boundaries of the criminal justice system.

3. Method

This study adopts a comparative research design based on the analysis of legal frameworks and social practices related to access to criminal records in different jurisdictions. The objective is to examine the extent to which national systems allow or restrict the circulation of information about criminal convictions, both at the normative level and in practice. The analysis is structured around the analytical framework provided by the RIMES instrument (Díez-Ripollés, 2020), which enables cross-national comparison through standardized indicators.

In particular, the study focuses on two items of the RIMES instrument (100 and 107) that capture different dimensions of penal exclusion: one referring to formal legal rules governing access to criminal records (Item 100), and another addressing actual media practices in the dissemination of such information (Item 107).

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The first dimension examines whether legal systems allow open access to criminal records, specifically whether any person may request information about another individual's criminal record without the need to invoke legally established grounds. This condition is considered to be fulfilled when criminal record information is accessible to the general public regardless of the requester's motivation. Full access to all criminal records is not required: the criterion is satisfied even when only certain types of criminal record information are publicly accessible. Accessibility is understood broadly. The existence of procedural requirements, such as administrative steps or fees, does not exclude accessibility, provided that these do not constitute a significant barrier. Likewise, access is considered to exist even where the information available is partial or indirect, as long as it allows for meaningful identification of a person's criminal history. By contrast, access is considered restricted where obtaining such information requires the requester to rely on specific legal grounds whose absence would prevent access. The mere requirement to provide a general reason does not preclude accessibility, provided that such a reason is not subject to strict legal justification. Restrictions affecting only specific categories of individuals (e.g. minors or military personnel) are not taken into account.

The second dimension examines the extent to which identifying information about ex-convicts is disseminated through the media as a matter of regular journalistic practice. For the purposes of this study, an "ex-convict" or an "ex-felon" is defined as a person who has already served a sentence for either a serious or a less serious offence. Individuals who are still serving a sentence or who are under criminal investigation are excluded from the analysis. "The media" refers to communication tools that provide the public with information through digital news platforms. Social media platforms are explicitly excluded from the analysis. The practice under study is considered to be present when media content includes any of the following identifying elements of individuals who have already served their sentence: full name, current address (or addresses), or an updated identifying photograph. The disclosure of any one of these elements is sufficient to meet the criterion.

The notion of "regular practice" is operationalised quantitatively. A practice is considered regular when more than 35% of the analysed news items include at least one of the aforementioned identifying elements. This threshold is intended to capture routine journalistic practices rather than isolated or exceptional cases. Accordingly, disclosures linked to particularly striking events, highly mediatised cases or individuals with a prominent public profile are not considered indicative of regular practice.

The empirical analysis of media practices is based on content analysis of secondary sources, particularly news articles published in digital newspapers. For each country, leading regional newspapers were selected based on circulation and relevance.

News items were collected using targeted keyword searches through search engines, with results filtered by specific time periods. Searches were conducted using combinations of relevant keywords (e.g., "convicted") within selected media outlets. For example, queries followed a structured format in Google, such as: *site:[newspaper domain] "convicted"*, enabling the systematic and replicable retrieval of articles from each selected source. The collected material was subsequently analysed to determine the frequency with which identifying information of ex-convicts was disclosed.

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By combining the analysis of formal legal rules (Item 100) and media practices (Item 107), this study captures both the regulatory framework and its practical implementation. This dual approach makes it possible to identify divergences between law and practice, as well as cross-national differences in the social visibility of criminal records.

The RIMES instrument has so far been applied to thirteen jurisdictions: Spain, Germany, Italy, France, Portugal, Finland, Romania, Poland, England and Wales, New York, California, Texas, and Florida. The results are first presented in a table indicating whether each item is fulfilled in the jurisdictions analysed. This is followed by a more detailed analysis of the findings, which is structured into three blocks: the European Union, the United Kingdom, and the United States.

4. Results

Table 1. *Application of the RIMES instrument: Items 100 and 107*

Item	Description	Spain	Germany	Italy	France	Portugal	Finland	Romania	Poland	England and Wales	New York	California	Texas	Florida
100	Anyone may request information about other people's criminal records without needing to argue grounds established by law	No	No	No	No	No	No	No	Yes	No	Yes	Yes	Yes	Yes
107	The media regularly disclose the full names, current addresses or pictures of ex-felons	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes

4.1 Criminal records and data protection

European Union

The processing of personal data within the European Union is governed by the General Data Protection Regulation (GDPR), which establishes a harmonised legal framework across Member States. The GDPR sets out the general principles of lawful data processing and, in relation to data concerning criminal convictions and offences, introduces additional safeguards. In particular, Article 10 provides that such data may only be processed under the control of official authorities or when authorised by national law, subject to appropriate guarantees for the rights and freedoms of data subjects. Within this framework, access to criminal records is generally restricted and non-public across Member States.

In Spain, criminal records are expressly classified as non-public under the Criminal Code and are managed through the Central Register of Criminal Records. Access is limited to judicial authorities, law enforcement bodies and the individual concerned, and no member of the general public may lawfully obtain information about another person's criminal record. This restrictive model is reinforced in specific registers, such as the register of sex offenders, which remains accessible only to competent authorities.

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A similar approach is found in Germany, where criminal record information is primarily accessed through certificates of good conduct, which may only be requested by the individual concerned. Third parties, including employers, cannot directly access such records but must rely on certificates provided by the individual. Public authorities may access more detailed information, but only upon explicit request and for specified legal purposes, as provided in the Bundeszentralregistergesetz (BZRG). Even in contexts such as employment involving minors, access remains conditional and mediated.

In Finland, criminal record data are explicitly classified as confidential under the Criminal Record Act. Disclosure is permitted only in specific legally defined situations, primarily involving public authorities or international cooperation mechanisms. Individuals may access their own records, but third parties cannot do so without a legal basis or the explicit consent of the person concerned.

France maintains a highly structured and restrictive system based on three types of criminal record extracts (B1, B2 and B3), each with different levels of accessibility. Full records (B1) are reserved for judicial authorities, while partial records (B2) may be accessed by certain administrative bodies under defined conditions. Individuals may request a limited extract (B3) concerning themselves, but third parties cannot freely access another person's criminal record without a legal basis.

In Portugal, access to criminal records is governed by Law No. 37/2015, which restricts access to the individual concerned and to specific public entities acting within their legal competences. Third parties may only obtain such information with the explicit authorisation of the individual. Similarly, in Romania, criminal record data may be accessed by public authorities for defined purposes, while private access is limited to the individual, their legal representative or an authorised person acting on their behalf.

Poland follows the same general pattern: the national criminal register is not publicly accessible, and access is restricted to authorised entities under statutory conditions. However, an important exception exists in the form of a publicly accessible register of certain sexual offenders (Rejestr Sprawców Przestępstw na Tle Seksualnym), introduced in 2016. This register includes identifying information and details of sexual offenders convictions and may be accessed by any person without the need to demonstrate a specific legal interest. While this does not amount to full public access to criminal records, it constitutes a notable deviation from the prevailing European model by allowing unrestricted access to a category of criminal conviction data.

Overall, the EU framework is characterised by a restrictive approach, where access to criminal records is generally limited to authorities and the individuals concerned. Within the sample, Poland is the only jurisdiction that departs from this model by providing unrestricted public access to a register of convicted sexual offenders.

United Kingdom

In England and Wales, the processing of personal data relating to criminal convictions is governed by the UK GDPR (retained version of the General Data Protection Regulation) in conjunction with the Data Protection Act 2018. This framework imposes strict conditions

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on the processing of criminal record data, requiring both a lawful basis and specific authorisation under domestic law.

In practice, access to criminal records is highly restricted. Individuals may obtain information about their own records, but third parties cannot access such data unless explicitly authorised by law. Employers, for example, do not have direct access to criminal records and must rely on disclosure mechanisms involving the individual concerned.

Even in exceptional cases, such as the Child Sex Offender Disclosure Scheme (CSODS), access is not generalised. This scheme allows individuals to request information from the police where there are concerns about risks to children, but disclosure is subject to a structured risk assessment, necessity and proportionality tests, and is made only in specific circumstances. Information is disclosed on a case-by-case basis and only to those considered capable of preventing harm.

Accordingly, the UK model reflects a strictly controlled system, in which access to criminal records is never freely available to the general public and always depends on clearly defined legal conditions.

United States

In contrast, the United States adopts a significantly more open and transparency-oriented approach, although the extent of access varies across states.

In California, "Megan's Law" provides for a publicly accessible online registry of sexual offenders, allowing any person to obtain information about individuals' criminal history without the need to justify a request. Access is direct, immediate and does not require the demonstration of a legal interest.

In New York, criminal history information may be obtained through official channels such as the New York Statewide Criminal History Record Search (CHRS), which allows individuals to request records relating to others upon payment of a fee. No specific justification is required, although certain categories of records (such as sealed records) are excluded. Additional online platforms further facilitate access to criminal background information.

Texas similarly provides broad access to criminal justice information under public information laws. Criminal justice agencies may disclose information regarding arrests, charges and involvement in the criminal justice system to any person making a request. Although there are exceptions, such as nondisclosure orders or confidentiality protections for certain categories of data, the general rule is that criminal record information is publicly accessible.

Florida follows a comparable model, where criminal records are considered public records under state law. Any person may inspect or obtain such records, subject to limited statutory exceptions. Access typically requires only basic identifying information and, in some cases, the payment of a fee. While certain protections apply (for example, in relation to juvenile records), adult criminal records are generally accessible without the need to provide reasons.

Overall, the U.S. model prioritises public access and transparency, allowing individuals to obtain information about others' criminal records with minimal procedural barriers and without the need to demonstrate a legally defined interest.

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4.2 Media disclosure of ex-convicts in Europe: tensions between data protection, freedom of expression and reintegration

The regular disclosure by the media of identifying information of ex-convicts (such as full names, photographs or addresses) reveals a structural tension within European legal systems between the right to data protection and privacy, on the one hand, and freedom of expression and information, on the other. While the General Data Protection Regulation establishes a general framework aimed at protecting personal data, it does not operate in isolation. Article 85 GDPR explicitly requires Member States to reconcile data protection with freedom of expression, particularly in the context of journalistic activities. This normative design creates a space in which media practices may lawfully involve the dissemination of personal data, including information relating to criminal convictions, provided certain conditions are met.

The finding that media in several European countries regularly disclose identifying information of ex-convicts (table 1) raises significant concerns. Even if such practices may formally fall within the scope of journalistic exemptions under data protection law, their systematic nature calls into question their compatibility with the principles of proportionality and data minimisation under the GDPR.

Among the European countries analysed, Poland constitutes the sole exception to compliance with Item 107, as shown in Table 1. The methodological approach adopted for Poland was more complex than in other countries, mainly due to difficulties in obtaining a sufficiently large sample of news items using keywords related to former offenders. To address this limitation, an expert from the University of Warsaw was consulted in order to identify the most relevant national newspapers and appropriate Polish keywords related to former offenders and ex-prisoners. The search was conducted using PressReader.

The final sample included news items published between 1 January 2017 and 31 December 2019, yielding a total of 77 articles. Although this number was considered relatively low and prompted internal discussion within the research team, it was ultimately deemed sufficient, as the methodological procedure had been rigorously followed and the data allowed for the identification of general trends (Aguilar Jurado, 2023).

However, it is necessary to examine this issue in greater depth in order to understand the apparent Polish paradox. The identification of this specific case highlights the usefulness of the RIMES instrument as a macro-level comparative tool, capable of generating analytical pathways for more detailed research into the issues it helps to map. The following section briefly addresses the Polish case, which clearly warrants further investigation.

4.3 The Polish paradox: legal accessibility without media visibility of criminal records

The comparative analysis reveals a distinctive configuration in the Polish case among European countries. Unlike other European jurisdictions, Poland combines relatively broad legal accessibility to criminal record information (item 100) with a notably limited degree of media dissemination of identifiable information about former offenders (item 107). This pattern diverges from the dominant trends observed in both European and non-European systems, where either restricted access coexists with widespread media exposure, or broad access is accompanied by high levels of public visibility.

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This apparent paradox can be understood by examining the specific legal and institutional framework governing the protection of reputation in Poland. Central to this framework is the continued criminalisation of defamation and insult under Article 212 and 216 of the Polish Criminal Code, which establishes criminal liability for statements that may harm an individual's reputation or undermine public trust. Importantly, the offence is aggravated when committed through mass media, and may result in fines, restrictions of liberty, or even imprisonment. This feature distinguishes Poland from many other European jurisdictions, where defamation has been largely decriminalised or is predominantly addressed through civil remedies.

Moreover, the scope and interpretation of defamation in Poland are particularly broad. Liability may arise not only from false statements, but also from statements that expose an individual to public disrepute or loss of confidence, even if the harm has not materialised (Dudkowiak & Putyra, n.d.). In addition, truth does not always constitute a full defence, especially when dissemination is not considered to serve a legitimate public interest (Pabian & Nozykowski, n.d.). These elements significantly increase the legal risks associated with publishing potentially stigmatizing information, including information relating to past criminal conduct.

Empirical and institutional reports on Poland situation confirm that these legal provisions are not merely symbolic but actively shape journalistic practices. Reports by organizations such as Article 19 have consistently highlighted that the criminalisation of defamation in Poland produces a "chilling effect", discouraging journalists from engaging in critical reporting and limiting public debate (Article 19 Europe, 2025). Similarly, analyses of the Polish legal system indicate that defamation proceedings, often initiated through private prosecution, are used in practice against journalists and other actors participating in public discourse as human rights defenders and activists (Krzywoń, 2025). The European Centre for Press and Media Freedom (ECPMF) has also documented cases in which journalists have been convicted of criminal defamation, raising concerns about the broader implications for media freedom (ECPMF, 2021).

From a historical and structural perspective, this configuration reflects the persistence of legal traditions characteristic of Central and Eastern European systems, where the protection of honour and reputation has long been recognised as a core legal value. Unlike in some Western European countries, where reforms have progressively limited the use of criminal law in this area, Poland has maintained a dual system combining civil and criminal liability for defamation (Wielec, 2021). This continuity reinforces a legal culture in which reputational harm is treated as a matter of public concern warranting penal intervention.

According to the European Commission (2025), these legal provisions contribute to a structural environment in which defamation claims may serve as the basis for Strategic Lawsuits Against Public Participation (SLAPPs). These legal actions are initiated primarily to intimidate and silence individuals participating in public debate rather than to obtain a favourable judicial outcome and are frequently grounded in defamation claims. This, in turn, generates a "chilling effect" on journalistic activity, discouraging the publication of potentially sensitive information.

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In response to growing concerns about such practices, the European Union adopted the so-called anti-SLAPP Directive, which aims to protect journalists and human rights defenders by enabling courts to identify abusive litigation and ensure its early dismissal (European Parliament & Council of the European Union, 2024). Member States have until May 2026 to transpose the directive into national law. However, the scope of this directive is limited to civil proceedings, leaving unaddressed the risks associated with criminal defamation provision.

Article 19 Europe report (2025) emphasises that effectively addressing SLAPPs requires a comprehensive reform encompassing both civil and criminal law. In particular, it has been argued that measures such as early dismissal mechanisms or procedural safeguards may prove insufficient if they are not adapted to the specific legal and practical context in which SLAPPs operate. Crucially, these analyses underline the need to go beyond civil law reforms and address the continued criminalisation of defamation and insult, recommending the full repeal of Articles 212 and 216 of the Polish Criminal Code. From this perspective, the persistence of criminal defamation provisions is not merely a residual feature of the legal system, but a central element in sustaining the conditions under which abusive litigation can function as a tool of pressure against journalists and other public actors.

This contextual background on Polish criminal law regarding defamation and insult sheds light on the limited visibility of criminal pasts observed in the Polish case. It cannot be interpreted solely in terms of data protection or as a practice favourable to the reintegration of ex-convicts but must also be understood in relation to broader constraints on media freedom and the strategic use of legal mechanisms by powerful actors.

The combination of criminal defamation provisions and the risk of SLAPPs contribute to a context in which media actors may face significant legal and financial consequences when publishing potentially sensitive information. This generates an effect that discourages the dissemination of identifying information, particularly in cases involving individuals or corporations with substantial economic and political power.

As a consequence, the limited media visibility of criminal pasts should not be understood primarily as the result of a normative commitment to reintegration, as captured by item 107 of our methodology. Rather, it appears to be a secondary effect of a more restrictive legal environment affecting journalistic activity. In this sense, the reduced visibility of criminal records may reflect constraints on media freedom and an increased capacity of powerful actors to influence the circulation of information, rather than a deliberate effort to protect former offenders from stigmatization. The outcome, lower levels of public exposure, may coincide with the objectives of reintegration, but in this case emerges as an unintended consequence of legal pressure rather than as an inclusive criminal policy-driven goal.

Taken together, these elements help explain why legal accessibility to criminal record information does not automatically translate into its public dissemination in the Polish context. While information may be formally accessible, the legal and practical risks associated with its publication, particularly the possibility of criminal liability, act as a significant constraint on media exposure. In this sense, the Polish case illustrates that the social impact of criminal records depends not only on their legal accessibility, but also, and perhaps more decisively, on the conditions governing their public visibility.

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5. Discussion and conclusions

The comparative analysis conducted in this study reveals a significant tension between the normative regulation of access to criminal records and their practical circulation in society, particularly through media channels. This tension is especially visible in the European context, where a relatively restrictive legal framework coexists with more permissive media practices.

At the normative level, European jurisdictions are largely aligned with the principles established by the General Data Protection Regulation, which imposes strict limitations on the processing and dissemination of data relating to criminal convictions. Across the countries analysed, access to criminal records is generally restricted to public authorities and the individuals concerned, and any third-party access typically requires a specific legal basis. This reflects a shared commitment to data protection, privacy and the principle of social reintegration, consistent with the inclusive criminal policy model (Díez-Ripollés, 2024).

However, the analysis of media practices reveals a more complex and, in some cases, contradictory picture. Despite the existence of robust data protection frameworks, media outlets in several European countries regularly disclose identifying information of individuals who have already served their sentences. These disclosures, often including names, photographs or other identifying elements, occur not only in exceptional or high-profile cases, but as part of routine journalistic practices.

From the perspective of reintegration, the systematic disclosure of personal data of ex-convicts may undermine this objective. From a criminological standpoint, such practices contribute to the persistence of stigma and the extension of punishment beyond its formal limits, reinforcing processes of social exclusion (Corda, 2023; Moore et al., 2024). In this sense, the media may operate as a vector of penal extension, reproducing and amplifying the exclusionary effects of the criminal justice system.

Within this general European pattern, Poland constitutes a notable exception. While the country shares the same supranational data protection framework, a contrasting trend can be identified: legal access to criminal record information is permitted in certain cases, such as for sexual offenders (item 100), yet the empirical analysis indicates no incidence of media disclosure of identifying information of ex-convicts. This divergence can be explained by a more restrictive legal and institutional environment, including stronger protections of privacy and reputation, as well as legal mechanisms that increase the potential liability of media actors. The existence of criminal defamation provisions appears to contribute to a more cautious journalistic practice, reducing the routine exposure of personal data.

From a criminological and criminal policy perspective, this finding has important implications. It suggests that the mechanisms through which criminal records contribute to social exclusion are mediated not simply by legal access, but by broader regimes of visibility shaped by media practices and legal constraints. At the same time, it introduces a normative tension: while reduced media exposure may limit stigma and support reintegration, it may also reflect constraints on freedom of expression and public scrutiny. The Polish case thus provides a particularly revealing example of how different configurations of law, media, and social control produce distinct patterns of penal extension.

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The United Kingdom presents a model that is normatively aligned with the European approach. The legal framework governing criminal record data remains restrictive, requiring a lawful basis and specific authorisation for access. Disclosure mechanisms are tightly controlled and based on case-by-case assessments, reinforcing the idea that access to criminal records should be exceptional rather than generalised. However, as in the broader European context, the role of the media introduces potential tensions, particularly where journalistic practices may extend beyond the strict boundaries of legal access.

By contrast, the United States represents a fundamentally different model, characterised by a strong emphasis on transparency and public access to criminal justice information. In several states analysed, criminal records, or significant parts of them, are considered public information and may be accessed by any individual without the need to justify a specific legal interest. This openness is reinforced by publicly accessible databases and digital platforms that facilitate widespread dissemination. Media practices in these contexts tend to align with this broader culture of transparency (and of control), normalising the disclosure of identifying information. The general approach prioritises access over privacy.

From a comparative perspective, these findings highlight the existence of distinct regulatory rationalities. The European and UK systems are formally grounded in data protection and reintegration, whereas the U.S. model prioritises transparency and public access. However, the European case reveals an internal inconsistency between normative commitments and practical outcomes, particularly in relation to media practices. This suggests that legal restrictions on access to criminal records are insufficient, on their own, to prevent the social reproduction of exclusionary effects.

In light of these findings, the analysis supports a broader theoretical conclusion: the accessibility and dissemination of criminal records constitute key mechanisms through which the penal system extends its impact beyond the sentence, contributing to processes of social exclusion. From the perspective of the inclusive criminal policy model (Díez-Ripollés, 2024), these dynamics are particularly problematic, as they undermine the central objective of reintegration by perpetuating stigma and limiting opportunities for social participation.

The inclusive criminal policy model provides a normative benchmark against which current practices can be critically assessed. The persistence of widespread media disclosure of criminal record information, despite restrictive legal frameworks, reveals the existence of exclusionary dynamics that remain insufficiently addressed. Reducing the social visibility of criminal pasts, particularly once the sentence has been completed, is not merely a matter of data protection, but a central condition for ensuring effective reintegration and limiting the long-term consequences of penal intervention.

These findings also call for a critical reassessment of existing regulatory models. Neither the European nor the U.S. approach, nor the Polish configuration, provides a fully satisfactory solution. The U.S. model, grounded in transparency and broad accessibility, facilitates extensive public exposure of criminal records and contributes to enduring forms of stigma and social exclusion. The European model, while normatively committed to data protection and reintegration, reveals a significant gap between legal restrictions and media practices, allowing similar exclusionary effects to persist in practice. Conversely, the Polish

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ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

case, although effective in limiting public visibility, relies on restrictive mechanisms that raise serious concerns regarding freedom of expression and democratic accountability.

From the perspective of an inclusive criminal policy model, the solution cannot lie in simply prioritising either transparency or restriction. Rather, it requires a more nuanced regulatory approach centred on limiting the social visibility of criminal pasts once the sentence has been served, while safeguarding the essential role of the media in democratic societies. This implies moving beyond purely access-based regulation towards a framework that explicitly addresses the conditions of dissemination. In practical terms, this could involve establishing clearer legal and professional standards for the identification of individuals in media reporting, strengthening the application of principles such as proportionality, necessity and contextual relevance, and promoting forms of responsible journalism that avoid unnecessary stigmatization.

Such an approach would seek to reconcile competing normative objectives: protecting individuals from the long-term consequences of penal intervention, while preserving freedom of expression and the public's right to information. Ultimately, reducing the enduring visibility of criminal records should not depend on restrictive or punitive mechanisms directed at the media, but on a reconfiguration of the balance between information, responsibility and reintegration, in line with the broader goal of limiting the extension of punishment beyond its formal boundaries. In this sense, the challenge is not merely to regulate information, but to redefine the limits of punishment in the information society.

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