

Protection of legal professional privilege in the digital age:

*"Put your trust in God but keep
your powder dry"*

Jaanus Tehver

State of play

- ECtHR judgment in the case of **SABER v NORWAY** (459/18), 17 December 2020
- ECtHR judgment in the case of **SÄRGAVA v ESTONIA** (698/19), 16 November 2021
- ECtHR factsheet "Legal Professional Privilege", available at https://www.echr.coe.int/Documents/FS_Legal_professional_privilege_ENG.pdf

Food for Thought

Q1: What does "in confidence" mean these days?

Q2: When access to data is easy, can we actually claim it is protected?

Q3: Is labelling sufficient to separate privileged data from the rest?

Q4: Do you trust the government or mathematics?