Anti-Corruption Helpdesk Answer

Asset and interest declarations and the privacy–transparency balance: public officials' and family members

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Financial disclosure regimes for public officials are now close to universal, yet public access to what is filed continues to lag well behind the legal duty to disclose — and it is access, not filing alone, that turns a declaration into an accountability tool. This paper examines the balance that courts around the world have struck between transparency and privacy in this field. Drawing on case law from around the world, it identifies a recurring analytical structure: collection, verification, restricted access and unrestricted publication are treated as separate interferences, each requiring its own justification. Particular attention is paid to the extension of disclosure duties to officials' family members, where jurisdictions diverge sharply on how "family" is defined and on whether the duty to inform the state can be separated from the duty to inform the public. The paper closes by considering what use restrictions, if any, may legitimately apply once declarations have been lawfully disclosed.

Query

What is the comparative jurisprudence on balancing privacy rights against the public interest in transparency—specifically regarding asset declarations of public officials' family members? Which jurisdictions with robust privacy frameworks nonetheless mandate disclosure of such familial asset data, and what use restrictions (by user category or permitted purpose) do they impose?

Main points

- Financial disclosure regimes are now close to universal, yet public access to what officials file still lags well behind the legal duty to disclose — and it is access to this information, not filing alone, that turns a declaration into an accountability tool.
- Courts have repeatedly recognised that holding public office lowers an official's reasonable expectation of privacy, but that reduced protection does not travel automatically to relatives, who never made the same bargain by taking office.
- A clear hierarchy of interferences is emerging in the case law: collecting data for oversight, verifying it internally, granting access on a demonstrated interest, and publishing it openly online are treated as separate acts, each needing its own justification.
- Extending declaration duties to family members is widely accepted as a way of closing the potential loophole of parking assets with relatives, but jurisdictions define "family" very differently, and vague or open-ended categories (a partner, a "spouse-like relationship") struggle to survive scrutiny once a duty or sanction is attached to them.
- Even where family disclosure itself is legitimate, courts increasingly separate it from publication: naming a partner or publishing an adult relative's finances online has been struck down repeatedly, even in cases that upheld the underlying obligation to disclose.
- Around two-thirds of disclosure regimes require officials to report family interests to the authorities In Europe, however, the UNCAC Coalition’s 2025 mapping found family-member or close-associate information to be publicly available in only 12 of 33 jurisdictions (36%), and even their publication does not necessarily extend to identifying details.
- Rules governing the subsequent use of lawfully disclosed declarations are less developed than rules governing access itself. Where restrictions exist, their compatibility with transparency depends on whether they target specific harms without frustrating legitimate journalistic, civil-society or public-interest scrutiny.

Principal judicial decisions examined in this paper

Decision	Jurisdiction	Subject(s)	Measure at issue	Holding
Public officials				
Plante v Gonzalez 575 F.2d 1119 (1978)	United States – Court of Appeals, Fifth Circuit	Elected officials	Public financial disclosure	Financial privacy remains protected, but public office reduces the expectation of privacy and may justify disclosure where strong anti-corruption, conflict-of-interest and democratic accountability interests are engaged.
Wypych v Poland, App. no. 2428/05 (2005)	ECtHR	Elected official; marital property also implicated spouse	Declaration and online publication of financial information	The interference with Article 8 was justified by the anti-corruption and transparency objectives of the regime; elected office entails greater legitimate public scrutiny.
Xhoxhaj v Albania, App. no. 15227/19 (2021)	ECtHR	Constitutional Court Judge	Intensive verification of assets and consequences of inability to establish their lawful origin	Upheld in the circumstances. Intensive financial scrutiny may be compatible with Convention rights were supported by a sufficiently weighty integrity objective and an individualised, proportionate assessment.
SU-328/2025	Colombia Constitutional Court	Senior judges	Public access to asset, income and conflict-of-interest declarations	Access upheld. Where declarations are legally public, deficiencies in proactive publication do not justify withholding them; genuinely protected information may instead be selectively redacted.

Family members				
Duplantier v United States, 606 F.2d 654 (1979)	United States – Court of Appeals, Fifth Circuit	Federal judges, spouses and dependent children	Public disclosure of family financial information	Applying the *Plante* balancing approach, the court found the public interests served by disclosure sufficient to outweigh the asserted privacy interests.
Umesh Kumar, IPS v State of Andhra Pradesh (2012)	India – Andhra Pradesh High Court	Public official and spouse	Obligation to declare assets held in spouse's name	The disclosure obligation extended to spousal assets irrespective of their asserted source, reflecting the anti-circumvention purpose of family disclosure.
OT v Vyriausioji tarnybinės etikos komisija (C-184/20) (2022)	CJEU	Declarant, spouse, cohabitee or partner	Unrestricted online publication of information contained in declarations of private interests	Family interests may legitimately be relevant to integrity oversight, but that does not necessarily justify identifying the third party through unrestricted online publication.
Bariata v Ombudsman Carpio-Morales, G.R. No. 234640 (2023)	Philippines – Supreme Court	Public official and adult/married child	Statutory scope of family asset disclosure	The official was not required to declare assets associated with his married son, as the legislation extended the duty only to the spouse and unmarried children under eighteen living in the household.
Decision no. 297/2025	Romania – Constitutional Court	Public official, spouse and dependent adult children	Declarant's responsibility for family financial information and online publication	Particular weight was given to the legal autonomy of adult family members and to information that the declarant might neither possess nor be able to verify; unrestricted online publication was also found unconstitutional.
K 2/23 (2025)	Poland – Constitutional Tribunal	Judges and spouses / conjugal property	Unrestricted online publication of asset declarations	The underlying filing obligation remained valid, but institutional verification did not in itself justify universal and unrestricted internet publication.
Decision no. 883/2026	Romania – Constitutional Court	Public official and de facto partner	Extension of the disclosure duty to a person in a “spouse-like” relationship	A personal relationship triggering disclosure duties and sanctions must be defined by sufficiently clear and foreseeable criteria.

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Introduction

Asset and interest declarations (AID) (hereinafter “asset declarations”) serve to prevent and detect conflicts of interest and illicit enrichment among public officials. They typically require officials to disclose their income, assets, liabilities and business interests on entering public office and periodically thereafter. Some systems also require ad-hoc declarations when substantial changes occur, as well as disclosure for a specified period after leaving it. Together, these requirements provide a baseline against which subsequent unexplained increase in wealth can be assessed (World Bank, 2020). The underlying logic is simple: an official's wealth should be traceable to a lawful, identifiable source — chiefly salary, inheritance or declared private income — and wealth that cannot be so explained becomes, by definition, a red flag warranting further scrutiny (StAR & World Bank , 2023).

In the preventive dimension, asset declarations enable supervisory bodies and the public to identify whether an official holds financial stakes in sectors, enterprises or transactions over which they exercise regulatory, budgetary or procurement authority. Such conflicts can then be addressed through recusal, divestment or reassignment before they affect official decision-making. In the detection dimension, the same instrument reveals unjustified wealth after the fact by exposing discrepancies between declared assets and known legitimate income (OECD, 2011).

The modern development of asset declarations is generally traced to the United Kingdom's 1974 Register of Members' Financial Interests, introduced by the House of Commons, and to the post-Watergate reforms in the United States, where the Ethics in Government Act of 1978 made financial disclosure by senior officials a statutory requirement. By the early 1980s, comparable regimes had spread across much of Europe, generally in response to domestic corruption scandals (OECD, 2011).

By 2026, asset declaration has become near-universal feature of public integrity systems. According to the World Bank's Stolen Asset Recovery Initiative (StAR), more than 160 countries now operate some form of financial disclosure regime for public officials (World Bank & StAR, 2017) . This represents a substantial expansion since the Bank's first systematic global survey in 2012, which found that 78% of the 176 countries had adopted such a regime (World Bank, 2012a).

Their prominence is also reflected in more recent transparency assessments. The first edition of the Global Data Barometer (GDB), covering 109 countries, included asset declaration data among the core datasets used to assess anti-corruption transparency. Its assessment considered not only whether declarations were publicly available, but also whether the data were structured and reusable and whether they included key information such as income, assets, liabilities and interests (Global Data Barometer, 2022).

This expansion has been accompanied by a genuine body of international coordination. The United Nations Convention against Corruption (UNCAC) — ratified by 190 states parties — requires states to adopt and strengthen systems promoting transparency and preventing conflicts of interest, and Article 8(5) specifically commits states parties to establish measures requiring public officials to make declarations regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result. At the regional level, the Council of Europe's Group of States against Corruption (GRECO) reports that almost all of its members now operate some form of declaration of assets, income, liabilities and interests; the European Union has monitored these regimes through its annual Rule of Law Reports since 2020; and G20's High-Level Principles on Asset Disclosure (2014) and the OECD's guidance for Assets Declarations (OECD, 2011) and OECD's guidance for Managing Conflict of interest in Public Service (OECD, 2003) provide further, if non-binding, standard-setting.

Public access to declarations has lagged well behind the spread of filing requirements. The first edition of the GDB found a persistent gap between legal frameworks providing for the publication of asset declaration data and its availability in practice (Global Data Barometer, 2022). This distinction matters because public access adds a separate layer of scrutiny to institutional verification, enabling civil society organisations and investigative journalists to uncover irregularities that may trigger formal review (Basel Institute on Governance, 2026).

Publication nevertheless engages a competing set of rights. Financial information falls within the sphere of private life protected — for example, under Article 8 of the European Convention on Human Rights (ECHR), which extends to the storage and release of such information by public authorities. That protection is not absolute: an interference may be justified where it is prescribed by law, pursues a legitimate aim and is necessary in a democratic society — requiring a fair balance between the individual's interests and those of society as a whole (van Roomen & Jonge, 2024). The balance at stake is therefore not simply between an individual right and an abstract claim to transparency: corruption and illicit financial flows themselves impair the enjoyment of human rights and the capacity of states to maintain effective institutions, so that privacy interests must be weighed against the state's corresponding obligation to prevent and combat such conduct (van Roomen & Jonge, 2024).

A second, and comparatively under-examined, dimension of scope concerns the household. Because asset holdings may be placed in the names of relatives, limiting disclosure to an official's own holdings can leave scope for circumvention. Effective disclosure regimes may therefore need to extend, where appropriate, to certain family members.

Where disclosure extends to family members, however, its practical reach depends on how the relevant family circle is defined — an issue on which there is considerable variation across jurisdictions. Most regimes capture the spouse and minor or dependent children as a matter of course[1], but treatment diverges sharply once the circle widens to unmarried or cohabiting partners, adult children, parents, siblings or in-laws (World Bank, 2012b, p. 20) — categories that, in many legal systems, are precisely where undeclared wealth can be parked (World Bank, 2012c, p. 36).

Evidence suggests that the effectiveness of these regimes depends not merely on requiring officials to file, but on what is disclosed and whether it is made public. Cross-national research has linked public disclosure — unlike filing requirements alone — with higher government quality and lower corruption, and found that disclosure of the sources of assets, gifts and outside activities matters more for governance outcomes than reporting their value alone (Djankov, La Porta, Lopez de Silanes, & Shleifer, 2010). Public access can therefore strengthen anti-corruption oversight, although it also engages privacy and data protection rights.

[1] As examples: Bulgaria, Greece, Croatia, Corea, Romania, Rusia, Sweden, Mexico.

Privacy vs transparency: setting proportionality test

Asset declaration regimes sit at the intersection of an individual right and a countervailing public interest.

The right to privacy is enshrined in Article 12 of the Universal Declaration of Human Rights and given binding treaty force in Article 17 of the International Covenant on Civil and Political Rights, which prohibits arbitrary or unlawful interference with an individual's privacy, family, home or correspondence. Although Article 17 contains no explicit limitation clause, interferences with privacy must nevertheless satisfy the requirements of legality, necessity and proportionality, a framework reaffirmed by the UN Human Rights Council Resolution 42/15 (2019) (OHCHR, n.d.): legality requires the interference to have a clear and foreseeable basis in law; necessity requires it to respond to a legitimate objective and to go no further than required to achieve it; and proportionality requires the resulting interference with privacy to be balanced against the public interest pursued, taking into account whether less intrusive means are available.

On the other hand, obligations on transparency are reflected in Article 8(5) of the UNCAC, which calls on States Parties to establish measures requiring public officials to declare their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may arise. Article 52(5) further asks states to consider establishing effective financial disclosure systems for appropriate public officials, backed by sanctions for non-compliance.

Neither pole of this tension is unconditional. The right to privacy is not absolute and may be subject to justified restrictions in pursuit of legitimate public interests, including the prevention of corruption (World Bank, 2012c, p. 84); conversely, the public interest in transparency does not licence unlimited intrusion. The theoretical difficulty, therefore, is not whether disclosure obligations may ever be justified, but where the line runs between disclosure regimes that satisfy the requirements of necessity and proportionality and those that do not — and, crucially, whether that line moves depending on whose data is being disclosed and why (Harvard Law Review, 2019).

Courts and the asset declarations cases

The tension between competing rights and interests has left it to the courts to resolve such difficulties, delineating boundaries, construing legislative intent, and weighing one against the other.

As early as 2005, the European Court of Human Rights (ECtHR) found the availability of asset declarations, including information on family members, to conform with Art. 8 (private and family life) of the ECHR in the decision regarding ***Wypych v. Poland***, App. no. 2428/05 **.** The applicant, an elected town councillor, challenged provisions of the Local Government Act requiring councillors to disclose detailed information on their income and property, including assets held as marital property and thus information concerning their spouses. Although he accepted that the legislation pursued the legitimate aim of combating corruption, he argued that the extent of the disclosure required, and in particular its publication, disproportionately interfered with his and his family's private life.

The Court declared the application inadmissible as manifestly ill-founded. It accepted that requiring a councillor to declare and publish his assets — including his spouse's share of marital property — amounted to an interference with Article 8 but held that this interference was justified. The point of the declarations was to keep local politics transparent and to enable the public to assess whether decisions were not being improperly influenced by financial interests, lobbying or corruption. The Court also placed weight on the fact that the applicant had chosen to stand for election: as an elected representative, he could expect more public scrutiny than an ordinary citizen, and voters had a legitimate interest in seeing how his financial circumstances changed during the exercise of his public mandate. On that basis, it found the publication of the information on the internet to be consistent with Article 8 (ECtHR, 2005, p. 18).

The Court of Justice of the European Union (CJEU) took a more restrictive approach to the online publication of information concerning public officials' family members in ***OT v Vyriausioji tarnybinės etikos komisija*** (hereinafter "*OT v VTEK*"), Case C-184/20 some years after, in 2022. Importantly, the case concerned the publication of such information rather than the obligation to declare it. While the underlying instrument was a Lithuanian declaration of private interests, the Grand Chamber's reasoning is directly relevant to financial-disclosure regimes.

The judgment did not establish a general bar on publishing information concerning family members. Rather, the Court distinguished between information relevant to identifying a conflict of interest and the identification of the third party concerned. It accepted that information concerning the activities and interests of a declarant's spouse, cohabitee or partner may legitimately form part of a disclosure regime. What it considered excessive was the systematic online publication of the partner's name, particularly where the same objective could be achieved by identifying the relationship generically and disclosing the relevant interests without naming the individual (paras. 96 and 114–115).

The Court expressly confined its analysis to publication on the Ethics Commission's website, rather than the underlying obligation to declare (para. 64), treating disclosure to the competent authority and unrestricted online publication as distinct interferences requiring separate justification. It accepted that online publication could contribute to preventing conflicts of interest and corruption, strengthening accountability and increasing public trust (paras. 74–84) but went on to ask whether those objectives could be achieved just as effectively by less intrusive alternatives, including declaration and verification by the competent authority (paras. 85–94).

Importantly, the Court did not treat all declarants alike. It held that the public interest in disclosure may vary according to the importance of the declarant's functions, including their hierarchical position, administrative powers and authority over the commitment or management of public funds (paras. 86 and 111). Nor did it treat declarants and their family members alike: the latter do not themselves exercise public decision-making functions, and the anti-corruption objectives underpinning disclosure therefore do not carry the same weight in relation to their personal data (para. 100).

A related but analytically distinct strand of Strasbourg case law concerns not the disclosure of a declaration as such, but the consequences that flow from an official's inability to justify the asset declared. In ***Xhoxhaj v. Albania***, App. no. 15227/19 (2021), a Constitutional Court judge was dismissed and permanently barred from judicial office after a vetting commission — established as part of Albania's judicial reform — found that she could not account for the lawful origin of certain assets, including foreign bank holdings. The ECtHR found such financial scrutiny justified in the particular context of Albania's judicial vetting reforms. The judgment demonstrates that intensive scrutiny of an office-holder's wealth may be compatible with Convention rights where it pursues a sufficiently weighty integrity objective and is subject to an individualised and proportionate assessment (paras. 402,405 and 411-412).

On a national level, there are examples of courts going in the opposite direction and taking a more privacy focused approach. In 2025, the Romanian Constitutional Court declared the online publication of asset declarations unconstitutional and limited declarants' liability for information concerning their spouses and dependent adult children (Decision no. 297). Among other arguments, the court considered that the data was too personal, and too much data was transferred into the public sphere. The Court also argued that the information could be fed into artificial intelligence allowing it to create personalised behavioural models and patterns for each declarant, nullifying the protection of private life. However, the Romanian Constitutional Court has repeatedly shifted its position on public access to asset declarations. In 2010, it declared the online publication of declared data as unconstitutional. Four years later, the Court found that "publishing declarations of assets and interests is justified". In 2025, they reverted to the 2010 position (Hoppe, 2025).

Beyond Europe, litigation has also highlighted the difficulties that arise when consequences for a public official are based on assets held independently by family members.

A particularly influential formulation appears in the United States Court of Appeals for the Fifth Circuit's decision in ***Plante v Gonzalez*****,** 575 F.2d 1119 (5th Cir. 1978). Florida state senators challenged a constitutional requirement for "full and public disclosure" of their financial interests. The Court recognised financial privacy as a substantial constitutional interest but held that the interests supporting disclosure — informing voters about officials' economic interests, deterring corruption and conflicts of interest, strengthening public confidence and facilitating detection of wrongdoing — were stronger. Crucially, it reasoned that elected officials were not situated in the same way as ordinary private citizens: choosing public office did not eliminate constitutional privacy protection, but it reduced the degree of financial privacy they could reasonably expect.

At the same time, Plante did not treat the public status of the declarant as a licence for unlimited disclosure. The Court insisted that scrutiny remained necessary and examined separately the justification for elements of the scheme, including the disclosure of asset values, sources of income and publication itself. Its approach therefore provides an early articulation of what has subsequently become central to the jurisprudence in this area: the balance is not simply between secrecy and transparency, but between the incremental integrity value of each category and mode of disclosure and the additional intrusion into private life that it entails.

A broader approach emerges from the Colombian Constitutional Court. In ***SU-328/2025,*** the Court considered a journalist's request for declarations of assets and income, conflicts-of-interest records and related documents concerning judges of the country's high courts. Colombian law already required those declarations to be publicly available, but the Court found substantial gaps in their publication and updating. It held that access served a legitimate democratic function by enabling continuing social scrutiny of senior officeholders and ordered the requested information to be provided and the relevant public platforms to be updated. The decision thus illustrates how access upon request can operate as a remedial mechanism where proactive disclosure obligations are not effectively implemented, while genuinely protected information may be selectively withheld rather than used to justify withholding an otherwise public document (*SU-328/2025*, paras. 93–96, 143–49, 152–65) (Hoppe, n.d.).

Common threads across the case law

Read across the wider body of case law, a reasonably stable analytical structure emerges. Six elements recur with sufficient consistency to be treated as the operative variables of the test:

1. **The expectation of financial privacy varies with the public function and the relevance of the information disclosed.** Courts have repeatedly treated elected office, senior public functions and responsibility for public funds as grounds for greater financial scrutiny. *Wypych* and *Plante v Gonzalez* make this particularly clear: public officials retain privacy rights but cannot expect the same degree of financial privacy as private citizens. *OT v VTEK* further refined this approach by linking the permissible extent of disclosure to the nature and importance of the declarant’s functions, including hierarchical position, decision-making authority and control over public funds. The justification for

disclosure is therefore strongest where the information sought bears directly on the integrity risks associated with the public function concerned.

2. **A legitimate transparency objective does not, by itself, justify the extent of disclosure.** Courts readily accept the prevention of corruption, conflicts of interest and money laundering as legitimate public-interest objectives. The decisive question is usually narrower: whether the particular information disclosed, and the extent of access to it, are necessary to achieve that objective. *OT v VTEK* therefore examined whether individual categories of information needed to be published online. The case law thus requires a demonstrable link between the scope of disclosure and the purpose it is intended to serve.
3. **The proportionality of disclosure depends not only on what is disclosed, but also on who can access it and how**. Courts distinguish between requiring information to be reported, making it available to competent authorities or regulated entities, granting access to persons with a legitimate interest, and publishing it without restriction. These forms of access entail different degrees of interference with privacy, making the mode and extent of access relevant to the proportionality assessment (*Wypych v Poland*; *OT v VTEK*; *SU-328/2025*).
4. **Privacy can often be protected by narrowing disclosure rather than withholding the information altogether.** Several decisions favour measures that preserve the integrity function of disclosure while reducing unnecessary exposure of personal data.

Family members' asset declarations

A central rationale for extending asset declaration beyond the individual officeholder is the risk that assets may be concealed or transferred through relatives and other proxies. Comparative research from Southeast Europe Leadership for Development and Integrity (SELDI) identifies transfer to extended family members or friends, often for no or low-value consideration, among the recurring means of avoiding effective scrutiny. It also describes the transfer of assets to family members or close relatives as a common form of concealment and notes that narrowly drawn definitions of family may leave scope for transfers to siblings, cousins, in-laws and friends (SELDI, n.d.).This concern is also recognised by World Bank/StAR, which notes that assets or illicit income may be hidden in the names of family members to circumvent oversight mechanisms, providing a rationale for extending disclosure requirements beyond the individual office-holder (World Bank, 2012c).

Asset-recovery cases illustrate how such arrangements operate in practice. Investigations into Teodoro Nguema Obiang Mangue, the former forestry minister and vice-president of Equatorial Guinea, traced substantial assets and expenditure through corporate structures and intermediaries. French investigators found that Somagui, a company nominally separate from Obiang but used for his personal benefit, was used to channelled public money towards luxury vehicles, art collections and a €135 million Paris residence — all while invoices were deliberately prepared in the names of intermediaries and family members to keep Obiang "invisible" (ICIJ, 2025). US proceedings likewise alleged that, despite an official salary of less than US$100,000, he had amassed more than US$300 million in assets through corruption and money laundering, using intermediaries and corporate entities; the resulting settlement required him to relinquish more than US$30 million in assets (US Department of Justice, 2014).

More direct family-related example comes from Kenya. In the Migori County investigation, sixteen companies linked to proxies of former Governor Okoth Obado were registered in the names of seven family members of one of his known proxies; investigators found that around KES 2 billion had been siphoned through irregular procurement contracts, with proceeds linked to property, high-end vehicles and university tuition fees for the Governor’s children (International Centre for Assets Recovery, 2025). Both examples help explain the anti-circumvention rationale for requiring disclosure systems to look beyond assets formally held in the official’s own name.

International standards and practice have increasingly recognised the relevance of extending disclosure beyond the official’s own financial interest. The UNCAC itself does not prescribe the inclusion of family members, but implementation guidance and subsequent international practice have increasingly treated family disclosure as an important safeguard against circumvention (Diaz Crego, 2023). Within Europe, GRECO has repeatedly urged member states to require disclosure of information on spouses and close family members, warning that without such expansion officials can too easily "channel relevant assets to relatives" to circumvent the obligation (Diaz Crego, 2023).

SELDI research illustrates how these definitional gaps become practical loopholes: several jurisdictions do not require declaration of gifts received by immediate family members above the thresholds applied to the official; movable assets such as jewellery are exempt from disclosure in some systems; and wealth held through legal entities — companies, foundations or trusts — falls outside roughly 80% of disclosure regimes worldwide, notwithstanding that such vehicles are a documented method of concealing officials' and relatives' illicit wealth (SELDI, 2023, pp. 31-33). The absence of a harmonised definition of the household unit is thus no marginal technical detail: it defines the practical reach of the entire disclosure system, and correspondingly the ease with which it can be circumvented.

Requiring family assets to be declared to the competent authority is not, however, equivalent to requiring all such information to be made publicly available. Asset declaration systems may distinguish between the information collected for verification purposes and the subset subsequently made public, particularly where disclosure engages the privacy and data protection rights of family members (World Bank, 2012c). This distinction between obligation to declare and the subsequent publication of that information is therefore central to the legal balance examined in the following section, as the CJEU’s reasoning in *OT v VTEK* illustrates.

Courts in multiple jurisdictions have been asked to weigh the state's interest in preventing corruption against the family's right to privacy, and they have not always reached identical conclusions. Some have accepted that the mere act of filing a declaration with an integrity agency, even if it includes sensitive family financial data, is a legitimate and proportionate interference with private life. Others have drawn a sharper line when it comes to throwing that same information open to the public at large, particularly where spouses never consented to stand for office and where risks of harassment, identity theft or reputational harm are tangible. The question, then, is not simply whether the law should reach into the family circle — the international consensus on that point is increasingly robust — but rather how far the law should reach, and whether the obligation to inform the state can be severed from the obligation to inform the world.

How far disclosure reaches: defining “family”

The already-mentioned Wypych v Poland raises a further question which is distinct from, but inseparable from, the privacy analysis concerning public officials themselves: how far may the transparency obligations attached to public office extend to persons who do not themselves exercise public functions? On this point, the ECtHR's reasoning was essentially functional. Its acceptance of the inclusion of marital property rested on the risk that a disclosure regime confined to assets formally held in the councillor's own name could readily be circumvented by acquiring or holding property in the name of a spouse. The relevance of the spouse's financial position therefore arose from the anti-corruption purpose of the scheme, rather than from any suggestion that the spouse, by virtue of the marriage alone, had assumed the same public accountability obligations as the officeholder. The distinction matters: the family relationship may explain why certain information is necessary for an integrity regime, but it does not of itself answer how that information may subsequently be used or made public.

That anti-avoidance rationale was developed considerably further in India by the Andhra Pradesh High Court in Sri Umesh Kumar, IPS v. State of Andhra Pradesh, W.P. No. 27062 of 2011 (April 2012). The Court rejected the argument that assets acquired by the spouse of a member of the All India Services[2] from her or his own independent income fell outside the disclosure requirement. It regarded spousal financial affairs as sufficiently interconnected that excluding independently acquired spousal assets would create an obvious means of evasion: assets belonging in substance to the official could simply be placed in the spouse's name and later defended as independently acquired. The Court therefore construed Rule 16 of the All India Services (Conduct) Rules 1968 as requiring disclosure of the spouse's assets irrespective of their asserted source, while allowing the official to identify which assets standing in the spouse's name were in fact his or her own. It also relied, as an additional consideration, on the fact that spouses enjoyed certain service-related benefits funded by the public purse. In its view, the public interest in effective scrutiny and confidence in government outweighed the resulting interference with spousal financial privacy.

The case also brings into focus an issue that is easily obscured by references to 'family-member disclosure': the definition of the family perimeter for disclosure purposes. There is no uniform approach across integrity regimes. In canvassing neighbouring Indian rules, the High Court noted that the Revised Code of Conduct for Ministers defined the Minister's family as a wife or husband not legally separated, minor children, and any other person related by blood or marriage who was wholly dependent on the Minister. At the same time, the Court read Rule 16(5) of the All India Services regime as capable of reaching other members of the officer's family whether or not dependent. The judgment thus illustrates two different bases on which disclosure laws commonly construct the family perimeter: formal kinship and economic dependence.

The Philippine Supreme Court adopted a considerably more rule-bound approach in Bariata v Ombudsman Carpio-Morales, G.R. No. 234640 (February 2023). Among the allegations against a mayor was that assets associated with his son had not appeared in his "Statements of Assets, Liabilities and Net Worth". The Court held that he was not required to declare the son's assets. Section 8 of Republic Act No. 6713 expressly

[2] "All India Services" refers to a small group of civil service cadres — currently the Indian Administrative Service, the Indian Police Service, and the Indian Forest Service — whose officers, although recruited and trained centrally, are posted to serve individual state governments rather than the Union government alone.

extended the declaration only to the official's spouse and to unmarried children under eighteen years of age living in the household; because the son was already married during the relevant period, he fell outside that statutory category. The decision is important because it resists an unlimited understanding of family disclosure. The fact that a person is a close relative — even a son — does not by itself make that person's property part of the official's declarable estate. The statutory nexus of age, dependency or household membership may be as important as kinship itself.

A related limit arises where legislation extends disclosure beyond formally defined family relationships. In Decision no. 883 of 17 August 2026, the Romanian Constitutional Court considered legislation declaration duties beyond spouses to a "person having relations similar to those between spouses", a category the Court accepted could in principle include both different-sex and same-sex de facto partners. The difficulty lay instead in the absence of objective criteria — such as duration, cohabitation or economic interdependence — for determining when such a relationship fell within the integrity regime. Individuals were therefore left to decide for themselves whether their relationship triggered a legal duty to disclose, while the National Integrity Agency would have to make its own assessment of the relationship in enforcing that duty. Given the sanctions attached to non-compliance and the intrusion into private life involved in such an assessment, the Court found the provision incompatible with legal certainty and the right to private life (The constitutional Court of Romania, 2026; Romania insider, 2026).

The point is not that de facto partners are necessarily outside the legitimate reach of an integrity system. Rather, where a legislature chooses to go beyond objectively ascertainable categories such as marriage, minority or legal dependency, the connection that triggers the obligation must itself be defined with sufficient precision (Decision 883/2026). This is particularly important because the anti-corruption rationale is not intrinsically confined to the legal family: assets may also be held trough close associates or other proxies, while conflict of interest may arise from relationship outside it (UN, 2019). The challenge is therefore to capture relationships that present a genuine integrity risk without defining the disclosure perimeter so broadly or ambiguously that individuals cannot reasonably foresee whether the obligation applies to them.

That distinction is evident in the already-mentioned *OT v VTEK*. The Lithuanian regime did not stop at a formal spouse, and the Grand Chamber did not reject the proposition that such connections may be relevant to corruption and conflict-of-interest prevention. What it rejected was the inference that their relevance to the supervisory process necessarily justified name-specific publication on the Internet. Relevance to verification and necessity of publication are, in other words, separate questions (Covington & Burling LLP, 2022).

Romanian constitutional jurisprudence has since sharpened that distinction further. In another case, Decision no. 297 of 29 May 2025, the Constitutional Court examined a statutory regime under which an official's declaration included the rights and obligations of the declarant's spouse and dependent children. The Court's particular concern was that the declaration was made under the official's own legal responsibility even though an adult spouse or adult dependent child was a legally autonomous third party whose financial information the official might neither possess nor be able to verify. It expressly referred to situations in which spouses lived under a separation-of-property regime or income was subject to confidentiality obligations. By contrast, the Court noted that parents ordinarily have legal knowledge or control of the transactions of minor children to a degree that does not exist once a child reaches full legal capacity.

In Poland, in K 2/23, decided on 2 December 2025, the Polish Constitutional Tribunal considered the public disclosure of judges' and assistant judges' asset declarations, including information concerning assets forming part of conjugal property. It found unrestricted online availability disproportionate, stressing the breadth, duration and technological consequences of universal Internet access, while leaving intact the underlying obligation to file declarations for institutional verification. Read alongside Wypych, the decision illustrates why the proposition that marital property may legitimately fall within an anti-corruption declaration does not settle the separate question of whether the same information must be universally searchable and reproducible online.

Older United States authorities have given greater weight to public disclosure. In ***Duplantier v United States, 606 F.2d 654*** (5th Cir. 1979), federal judges challenged legislation requiring public disclosure of financial information concerning both themselves and their spouses and dependent children. The federal appellate court upheld the regime, applying the balancing test developed in *Plante v Gonzalez*: it weighed the privacy interests affected by disclosure against the public interests served by it.

The comparative jurisprudence therefore does not support a binary rule under which family information is either inherently private or automatically public whenever it is connected to an officeholder. The more convincing line is narrower. A family or equivalent personal relationship may justify extending an integrity regime beyond assets formally registered in the official's name where there is a genuine risk of concealment or conflict of interest.

On that approach, family status supplies a reason for scrutiny, not a transfer of public-office status (World Bank & StAR, 2017). The integrity interest is strongest where the relationship creates a realistic route for concealment or a financial interest capable of influencing the official; the privacy interest becomes stronger as disclosure moves beyond what is needed to identify that connection and towards the indiscriminate publication of the relative's identity, entire patrimonial position or unrelated personal data.

Recurring elements courts weigh

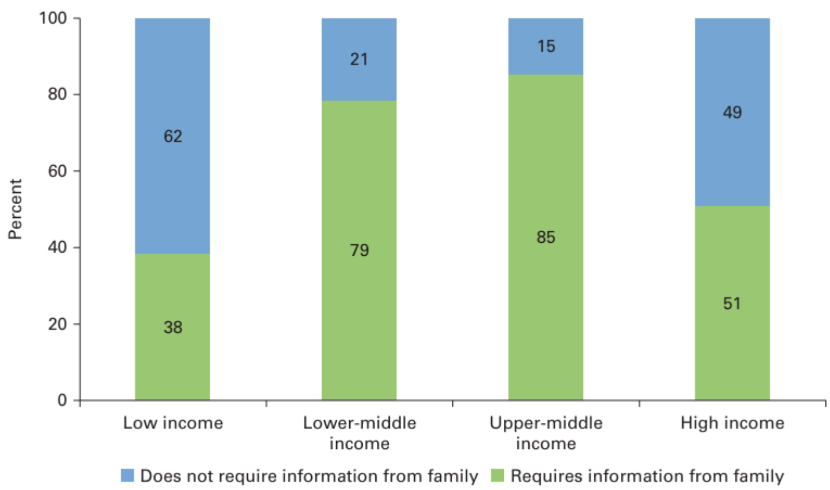
Across these analysis, courts and tribunals return to a similar set of considerations when assessing whether, and how far, financial disclosure obligations may extend to an official's family members:

1. **Anti-circumvention rationale**: The primary justification for reaching family assets is functional rather than status-based: disclosure regimes confined to the official's own name could otherwise be defeated by holding assets in a spouse's or relative's name (Wypych, Umesh Kumar).
2. **Defining the family perimeter:** Jurisdictions diverge on how the relevant circle is drawn — by formal kinship, economic dependency, cohabitation, or household membership — and some regimes combine several bases (Umesh Kumar). Statutory categories bounded by objective criteria such as age or marital status (Bariata) tend to fare better than open-ended formulations.
3. **Need for legal certainty where duties or sanctions attach**: Concepts that may be construed broadly to protect a right (e.g. family life) cannot automatically be transposed to impose a disclosure duty or sanction; the triggering relationship must be defined with sufficient precision for the person to know when it applies (Decision no. 883/2026, Romania).
4. **The relative's legal autonomy**: Courts increasingly ask whether the official actually possesses or can verify the relative's financial information, particularly once children reach adulthood or where separate-property or confidentiality arrangements exist (Decision no. 297/2025, Romania).
5. **Relevance to verification is not the same as necessity of publication**: Even where a connection is legitimately relevant to an integrity authority's scrutiny, it does not follow that the relative's identity and finances must be made public, still less published indiscriminately online (OT v Vyriausioji; K 2/23, Poland).
6. **Layered interferences demand separate justification**: Collection, internal verification, disclosure on request, and unrestricted internet publication are treated as distinct interferences, each requiring its own proportionality assessment.
7. **Countervailing public-interest weight**: Where courts do uphold broader disclosure, they typically point to the diminished privacy expectation of those who accept public office and to the strength of the public interest in detecting concealment or conflicts of interest.
8. **Greater protection for third parties**: Family members do not assume the office-holder’s reduced expectation of privacy merely because their financial affairs are relevant to an integrity regime. Courts therefore subject disclosure affecting spouses, partners and other relatives to closer scrutiny, particularly where it exposes information unrelated to the integrity purpose (StAR & World Bank , 2023, pp. 6-7;24-25).

Family disclosure under strong privacy regimes: the European experience

The inclusion of family members within asset and interest disclosure systems is not unusual in anti-corruption law. The 2017 World Bank/StAR study cited above, covering 158 jurisdictions with financial disclosure requirements, found that approximately 65% required public officials to report information concerning family members as well as themselves (World Bank & StAR, 2017, p. 24). The scope of those obligations varies considerably. Most commonly they extend to spouses and children, although some jurisdictions also include cohabitants, domestic partners, dependants living in the same household or other relatives. Likewise, the information requested ranges from jointly owned assets to broader declarations covering income, securities and other financial interests held by relatives. The rationale is preventative rather than merely administrative: a regime confined to property formally registered in the official's own name can easily be circumvented by transferring assets or economic interests to a spouse or another close relative.

FIGURE 2.4 Share of Jurisdictions Requiring Disclosure of Family Members



Note: Approximate percentages based on the analysis of 158 disclosure jurisdictions.

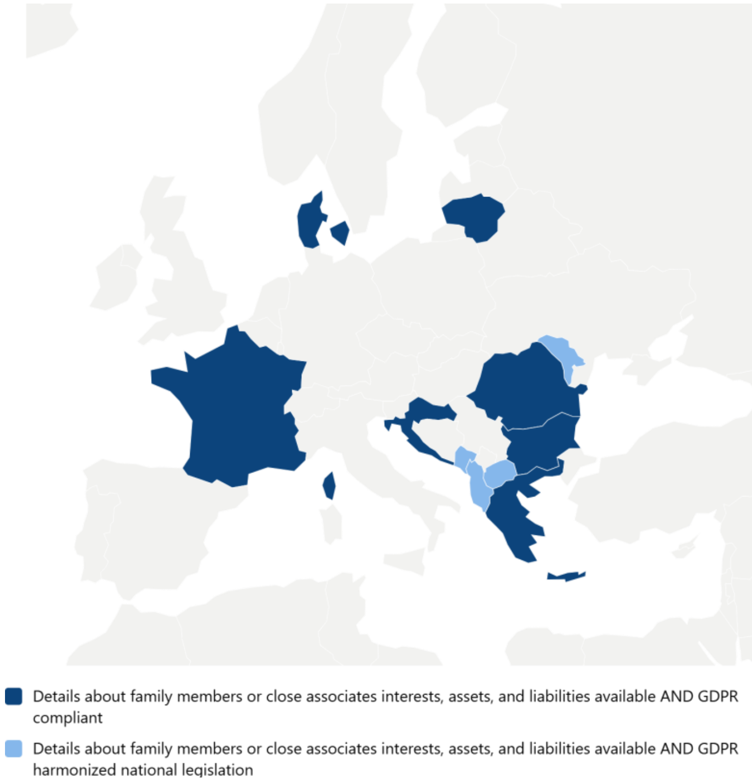
Figure from [World Bank 2017, p. 25]

That figure, however, concerns the obligation to submit family information to the competent authority, not its subsequent publication. Evidence on public access presents a considerably narrower picture. The 2025 GDB found that only 14 of 43 jurisdictions across Latin America, the Caribbean and Africa published any interest-and-asset-disclosure data at all, while 79% did not publish information on significant changes or on interest, assets and liabilities held by family members (Global Data Barometer, 2025). Earlier GDB findings similarly pointed to substantial limitations in public availability: its first edition recorded an average availability score of 39% for asset declaration data in Europe, taking into account not only whether data were available but also their completeness and usability, including information concerning family members (Global Data Barometer, 2022). OECD data point in the same general direction: in 2024, asset declarations of senior public employees are publicly accessible in only 14 out of 33 countries (42%) (OECD , 2025).

European practice also remains uneven as to whose information must be disclosure. A 2023 European Parliament study noted that only eleven EU Member States require Members of Parliament to disclose information relating to their spouses, and only nine extend that obligation to dependent children (Diaz Crego, 2023). Recent developments also show that the scope of family disclosure remains subject to reconsideration. In Malta, amendments proposed in 2026 would remove the requirement for members of parliament to declare immovable property held by spouses within the community of acquests and for ministers to disclose spouses' financial investments and bank accounts. Malta's Commissioner for Standards in Public Life criticised the changes as reducing transparency, while acknowledging the privacy concerns associated with requiring officials to report information belonging to relatives (Commissioner for Standards in Public Life, 2026).

The GDPR provides the clearest legal reference point. It is often invoked as evidence that stringent privacy protection should limit the publication of personal financial information, yet the Regulation does not make consent the default legal basis for statutory transparency measures. Under Article 6 GDPR, processing may lawfully take place where it is necessary to comply with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority. Article 6(3) further allows Union and Member State legislation to determine the categories of data processed, the persons concerned, recipients and appropriate safeguards. In other words, the legal question in asset disclosure is ordinarily not whether an official or a family member has consented to publication, but whether the interference with personal data rests on a sufficiently clear statutory basis and satisfies the requirements of necessity and proportionality. The same balance is reflected in the EU Charter of Fundamental Rights, where the rights to private life and data protection coexist with freedom of information rather than displacing it altogether.

European practice illustrates that this balance has produced a range of disclosure models rather than a simple choice between secrecy and unrestricted openness. In 2025, the UNCAC Coalition, together with the Global Data Barometer and national civil society organisations, mapped asset and interest disclosure systems across 33 European jurisdictions (UNCAC Coalition, 2025). The project examined both the legal framework governing declarations and their practical accessibility, revealing considerable variation in the extent to which information is publicly available, searchable or reusable. Importantly, twelve jurisdictions were recorded as making family-member or close-associate information contained within asset and interest disclosure systems publicly available: Albania, Armenia, Bulgaria, Croatia, Denmark, France, Greece, Lithuania, Montenegro, North Macedonia, Moldova and Romania.



Map by author with data from UNCAC Coalition 2025

Seven of those jurisdictions—Bulgaria, Croatia, Denmark, France, Greece, Lithuania and Romania—are EU Member States in which the GDPR applies directly. The remaining jurisdictions should not, however, be treated as a homogeneous group of "GDPR-aligned" states. Their relationship with European data protection law differs. Albania has adopted a new Personal Data Protection Law (Law No. 124/2024), described by its supervisory authority as aligning domestic legislation with the GDPR and the EU Law Enforcement Directive. Montenegro, North Macedonia and Moldova are engaged to varying degrees in approximation to the EU data protection acquis through their accession processes. Armenia occupies a distinct position altogether: it is not an EU candidate but operates within the Council of Europe data protection framework and ratified the modernised Convention 108+[3] in 2022. The comparative significance of these countries therefore lies not in identical legal regimes, but in the fact that robust personal data protection has developed alongside statutory systems requiring disclosure of family-related financial interests.

[3] Convention 108+ refers to the modernised version of the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, 1981), as amended by the 2018 Protocol (CETS No. 223). It remains the only legally binding international data protection instrument open to accession by states outside the European Union, and requires parties to guarantee, among other things, the right to access, rectify and object to the processing of personal data.

The UNCAC Coalition dataset should also be interpreted carefully. A jurisdiction classified as making family information publicly available does not necessarily publish the complete, identifiable financial profile of every spouse or child. In many systems, what becomes public is the relationship or economic interest relevant to the official's integrity, while identifying or security-sensitive information concerning private individuals is withheld. France provides perhaps the clearest illustration of this approach. French declarations of interests may include interests arising from the professional activities of a declarant's spouse, civil partner or cohabiting partner, yet the public version removes names, contact details, bank information and other identifying data relating to family members[4]. Public scrutiny is therefore directed towards potential conflicts of interest rather than the unnecessary exposure of a private individual's personal affairs.

The distinction between collecting family information and publishing it has received equally important judicial treatment, as it was shown at the section before.

International standard-setting bodies have reinforced the same balanced message. GRECO and the Venice Commission have advocated broad accessibility of financial declarations, subject only to narrowly defined exceptions protecting the personal data of declarants and their close relatives. GRECO has specifically recommended that Council of Europe member states require disclosure of information on spouses and close family members in order to prevent circumvention of the obligation through the channelling of assets to relatives, while stressing that privacy concerns should inform how—not whether—that information is published. The UNCAC Coalition's 2025 mapping confirms that no European country yet meets the highest standard of fully open, reusable and comparable online declarations (UNCAC Coalition, 2025). The gap between legal commitment and practical accessibility therefore remains the central challenge: publication is legitimate, but its value depends on searchability, historical comparability and the redaction of genuinely sensitive identifiers.

Public availability serves a different, complementary purpose. Where declarations are accessible, journalists, civil society organisations and citizens can compare them with company registries, procurement databases, land records and other publicly available information, creating forms of external scrutiny that supervisory authorities may be unable to perform alone. Yet the value of publication depends not simply on whether declarations are technically public, but also on their quality: information that is searchable, accessible and historically comparable is considerably more useful for accountability than documents released in fragmented or unusable formats (World Bank & StAR, 2019).

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[4] More information available at the "Guide du déclarant" issued by the Haute Autorité pour la transparence de la vie publique

Use restrictions on publicly disclosed asset declarations

Asset declaration regimes involve several distinct stages in the handling of personal information: collection, verification, institutional access and, where provided for, public disclosure. UNCAC Articles 8(5) and 52 require States to establish financial disclosure systems but leave considerable discretion as to how the information is accessed and used. Comparative practice reflects that distinction. Recent OECD data shows substantial variation in the public availability of asset declarations (OECD, 2025), while StAR treats verification and publication as separate components of disclosure-system design (StAR & World Bank , 2023). The authority to collect and verify financial information should therefore not be equated with a general authority to disclose it, nor does public access necessarily determine every subsequent use of the information (OECD, 2024).

The distinction matters because disclosure serves accountability functions that may depend on the information being capable of further use. Gómez Tagle identifies two such purposes: strengthening investigators' capacity to detect illicit enrichment and enabling democratic scrutiny of officials and anti-corruption institutions (Gómez Tagle, 2020). Vargas and Schlutz frame disclosure similarly, as a mechanism for exposing abuses of office and building a culture of scrutiny, and find tentative — though not causal — evidence linking stronger disclosure regimes to greater capacity to control corruption (Vargas & Schlutz, 2016). More recent guidance reinforces this point. StAR treats verification and public scrutiny as complementary functions of asset declaration systems and expressly recognises the value of making declaration data reusable by civil society, the media and other actors (StAR & World Bank , 2023). Restrictions on subsequent use may therefore affect the practical value of disclosure even where access itself remains formally available.

The legal position after disclosure is nevertheless distinct from the decision to make information public in the first place. Public availability does not remove personal information from the wider legal framework governing its access and use. Data-protection, access-to-information and freedom-of-expression rules may all remain relevant, protecting different and sometimes competing interests. Access-to-information law supports scrutiny of information held by public authorities, while also allowing proportionate restrictions to protect privacy. Data-protection law, in turn, continues to regulate the processing of personal data, while freedom of expression protects legitimate journalistic and public-interest uses of information.

European law makes this interaction particularly clear. Article 86 GDPR expressly provides for the reconciliation of public access to official documents with the protection of personal data, while Article 85 requires Member States to reconcile data protection with freedom of expression and information, including journalistic processing. The Tromsø Convention similarly establishes a right of access to official documents while permitting restrictions that are prescribed by law, necessary and proportionate, including for the protection of privacy. Public disclosure therefore neither creates an unrestricted licence to reuse personal data nor, by itself, precludes legitimate journalistic or civil-society scrutiny (Council of Europe, 2025).

The ECtHR's Grand Chamber judgment in *Satakunnan Markkinapörssi Oy and Satamedia Oy v Finland* (no. 931/13, 27 June 2017) illustrates the same principle from the use side: tax data that was lawfully public under Finnish law, and the applicants' large-scale republication of it, were treated as separate legal questions. The Court accepted restrictions on the manner and extent of republication and found no Article 10 violation, distinguishing accessibility through the mechanisms the legislature established from the scale and purpose of subsequent dissemination. The Court's earlier Grand Chamber ruling in *Magyar Helsinki Bizottság v Hungary* (App. no. 18030/11, 8 November 2016) sits on the other side of the same line, holding that Article 10 can require access to information held by public authorities where it serves public-interest scrutiny. A similar starting point is found in the Inter-American system.In ***Claude Reyes et al. v Chile*** (Inter-American Court of Human Rights, 19 September 2006) the Court held that Article 13 of the American Convention protects the right to seek and receive information held by the State and requires restrictions on access to satisfy the Convention's requirements. Although the case concerned information relating to a foreign-investment project rather than interest declarations, it is relevant for the presumption it establishes in favour of access to State-held information and the corresponding burden of justifying restrictions. Read alongside Magyar Helsinki Bizottság and Satakunnan, it reinforces the distinction between access and subsequent use: neither the availability of information nor restrictions upon it dispense with the need for a separate justification under the applicable legal framework.

Proportionality provides a common thread across these different stages, from the design of the disclosure regime to restrictions on access or subsequent use. The precise test varies between legal frameworks, but the underlying inquiry is similar: whether the restriction serves a legitimate aim, whether it goes no further than necessary to protect that interest, and whether an appropriate balance is preserved between privacy and the accountability purposes of disclosure (Purcell & Rossi, 2019, p. 21).

Sri Lanka’s proposed 2026 amendments provide a current illustration of the distinction. While retaining public access to redacted asset declarations, the Bill would restrict their use largely to submission to specified public authorities and introduce criminal liability for uses that violate the declarant’s privacy. Transparency International Sri Lanka has argued that this would preserve access in form while undermining its accountability function in practice, by limiting the ability of journalists, civil society and citizens to scrutinise declarations for unexplained wealth or conflicts of interest. It also points to existing laws against defamation, harassment and related abuses as less restrictive means of addressing misuse. The proposal therefore raises a broader proportionality question: whether protecting privacy requires restricting legitimate public-interest use of information already made public, or whether narrower safeguards could address the identified harm without frustrating the purpose of disclosure (TI Sri Lanka, 2025).

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