

## Supreme Court: Opening account on social network using another person's name is a crime

**The full bench for resolving legal matters with the High Court of Cassation and Justice (Supreme Court, ed. n.) decided that it is a crime for a person to open and use an account on a social network in the name of another person, where information, photos and video images are posted without the latter's consent.**

The supreme court was notified by the Brasov Court of Appeal in order to issue a preliminary ruling to resolve a legal issue, in a case in which a man was sentenced in the first instance to 3 years and 8 months in prison for blackmail, computer forgery and violation of privacy, after opening a fake account on a social network and on an adult site in the name of his former girlfriend, where he posted photos and videos compromising with the latter.

According to the indictment, in December 2018, the man threatened his former girlfriend that, if she did not resume her relationship with him, he would release on the internet several photos that showed her naked and videos in which the two were having intercourse.

The man later created a profile with the woman's name on an adult site, where he posted photos of her naked and a video in which the two had sexual intercourse, as well as a fake Facebook profile with the name of the wronged party, from where he sent photos of the naked woman to a third party.

At the trial of the appeal, the judges of the Brasov Court of Appeal decided to refer the matter to the High Court of Cassation and Justice with a ruling on a matter of law: "If the deed of opening and using an account on a social network open to the public (network that does not require evidence which shows the use of the real name by the account holder), providing as username the name of another person and entering real data targeting that person (information, photos, videos, etc.) achieves the typical conditions of the crime of forgery, provided for by Article 325 of the Criminal Code, with reference to the requirements that the action of entering computer data be performed without right and, respectively, to result in information not conforming to the truth".

The Brasov Court of Appeal motivated the referral by the fact that in similar cases regarding the commission of a computer fraud offence by creating false accounts on social networks, the courts gave contrary decisions, from conviction to acquittal or change of legal classification.

The supreme court ruled in this case that it is indeed a crime to open and use an account on a social network on behalf of another person, without the latter's consent.