



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FOURTH SECTION

Application no. 35735/24
Wilhelmina Hendrika ZANDBERGEN
against the Netherlands
lodged on 2 November 2024
communicated on 29 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the Amsterdam municipal anti-harassment plan (“*Treiteraankpak*”), a multi-agency programme introduced in 2013 to address serious and persistent harassment in residential communities. Once a person was subjected to the *Treiteraankpak*, the municipality built a profile on that person, accessible to municipal services, police, housing associations and care agencies, and could adopt administrative measures. Those measures could include an area ban, contact ban, mayoral closure of a dwelling as a source of nuisance, expropriation, termination of a lease, relocation, dispatch of street coaches, home visits, installing fences, tasking neighbours with watching the harasser, keeping behaviour logs, installing surveillance cameras and psychiatric care.

For years, the applicant, living in a houseboat, had been in conflict with a shoemaker across the street. She alleged that he resided in the shop in breach of municipal zoning regulations and received late visitors, causing noise, commotion, and other disturbance. To collect evidence, she repeatedly photographed him and frequently reported him to the authorities. The authorities found no evidence of wrongdoing by the neighbour. Having established that the applicant’s neighbour had lodged multiple police reports alleging stalking by the applicant, none of which had resulted in her prosecution, and after interviewing other neighbours who characterised her conduct towards him as disproportionate, the municipal authorities informed

the applicant on 15 September 2015 that she had been made subject to the *Treiteraankpak*. In January 2016, the mayor escalated the case to the “Top 10” of most serious cases because earlier interventions had failed to change her conduct.

Between 2016 and 2019 the applicant repeatedly sought access to her *Treiteraankpak* file and challenged the lawfulness of her inclusion in the programme and the processing of her personal data. In a complaint lodged on 20 May 2019, she requested that all the measures relating to her, including the processing of her personal data, be discontinued and that her data be erased. The municipality treated the complaint in part as a GDPR erasure request and rejected it on 19 August 2019, while providing her with a partially redacted copy of her file. Her ensuing objections were partly declared inadmissible and partly dismissed on 17 April 2020. A separate objection concerning the completeness of the file disclosed to her was rejected on 23 July 2020.

The applicant appealed against both decisions, arguing that she had been unlawfully denied access to her complete file, that she should never have been subjected to the *Treiteraankpak*, that excessive personal data had been collected and processed, and that there had been an unlawful interference with her rights under Article 8 of the Convention. The Amsterdam Regional Court joined the appeals. The municipality submitted the redacted material to the Regional Court under Article 8:29 of the General Administrative Law Act, requesting that only the judges have access to it. As the applicant withheld consent to such restricted disclosure, the Regional Court did not examine the documents.

By judgments of 15 November 2021, the Regional Court upheld the redactions, subject to further investigation as to whether additional documents existed and found that the applicant had rightly been included in the *Treiteraankpak* and subsequently classified in the Top 10 category. It further held that the processing of her personal data within the *Treiteraankpak* was compatible with the purposes for which the participating authorities had collected the data and found no indication that the safeguards governing such processing had been breached. The applicant lodged further appeals with the Administrative Jurisdiction Division of the Council of State.

Meanwhile, on 22 October 2022, the Amsterdam Court of Appeal reversed the applicant’s earlier conviction of stalking her neighbour.

Before the Administrative Jurisdiction Division, the applicant again refused consent for the judges deciding her further appeal to review the redacted documents and instead sought a ruling from the Division’s secrecy chamber on the lawfulness of the restrictions. On 20 September 2023 the secrecy chamber held that the redactions were justified. As the applicant maintained her refusal to consent, the documents were not included in the case file.

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On 31 January 2024 the Administrative Jurisdiction Division held that the municipality had rightly refused full access to the unredacted file in order to protect the rights of civil servants and other third parties.

In a judgment of 3 July 2024, the Administrative Jurisdiction Division held that there had been sufficient grounds to subject the applicant to the *Treiteraapak*, but that the subsequent decision to place her in the Top 10 category had been insufficiently substantiated. It also found that no excessive personal data had been processed and that, although processing had ceased in 2022, retention of the data for a further five years was justified. It concluded that there had been no disproportionate interference with the applicant's private life and therefore no violation of Article 8.

The applicant complains under Article 8 that the municipal authorities unlawfully monitored her, contacted her and her family, obtained and processed her personal data, attempted to persuade her to move, and sought to subject her to assertive outreach (*"bemoeizorg"*).

QUESTIONS TO THE PARTIES

1. Was there an interference with the applicant's private life as protected by Article 8 of the Convention (see *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 136, 27 June 2017; *M.D. and Others v. Spain*, no. 36584/17, § 55, 28 June 2022 and *A.R. v. the United Kingdom*, no. 6033/19, § 55, 1 July 2025)?

2. Assuming there was an interference, was this interference prescribed by law, and thus adequately accessible and foreseeable, that is, formulated with sufficient precision to enable the applicant to regulate her conduct (see *Rotaru v. Romania* [GC], no. 28341/95, §§ 56-57, ECHR 2000-V; ECHR 2008; *Vukota-Bojić v. Switzerland*, no. 61838/10, § 67, 18 October 2016 and *A.R. v. the United Kingdom*, no. 6033/19, § 60, 1 July 2025)?

3. Did domestic law afford the applicant adequate and effective safeguards against the risk of abuse and arbitrariness (see *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, §§ 95-99; *K.H. and Others v. Slovakia*, no. 32881/04, § 46, ECHR 2009 (extracts); *Vukota-Bojić v. Switzerland*, no. 61838/10, §§ 72-75, 18 October 2016 and *A.R. v. the United Kingdom*, no. 6033/19, §§ 60-61, 1 July 2025)?

4. Was the interference with the applicant's rights necessary and proportionate for the protection of the rights of others (see *S. and Marper*

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v. the United Kingdom [GC], nos. 30562/04 and 30566/04, §§ 103-104, ECHR 2008; *Drelon v. France*, nos. 3153/16 and 27758/18, § 82, 8 September 2022 and *N.F. and Others v. Russia*, nos. 3537/15 and 8 others, §§ 45-47, 12 September 2023)?

The Government are requested, pursuant to Article 38 of the Convention, as well as Rule 49 § 3 (a) of the Rules of Court, to inform the Court what measures and interventions were taken against the applicant under the Amsterdam municipal anti-harassment policy (“*Treiteraapak*”) during the period she was subject to it.