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# Omission of data vis-à-vis the public in judicial proceedings

**April 2023**

In accordance with its obligations, the General Court ensures, when acting in its judicial capacity, that the principle of open courts and public information is reconciled with:

- the protection of personal data of natural persons <sup>1</sup>

and

- the protection of data other than personal data of natural persons

mentioned in the cases brought before it.

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<sup>1</sup> See Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ 2018 L 295, p. 39).

## Omission of personal data of natural persons

Any representative of a party to a dispute before the General Court may apply for the personal data of a natural person, whether a party he or she is representing or a third party, to be omitted in the context of the proceedings so that the identity of the person concerned is not disclosed to the public. Such an application may also be made by the representative of an applicant for leave to intervene.

In that regard, **Article 66(1)** of the Rules of Procedure of the General Court provides that 'in the course of the proceedings, the General Court may decide to omit, of its own motion or on an application by a party made by a separate document, the full names of natural persons, whether parties or third parties, and any other personal data of those natural persons mentioned in the documents and information which relate to a case and to which the public has access'.

As a result of the development of search engines on the internet and the fact that anyone can access information relating to court proceedings that is published or disseminated by the General Court, the Registrar of that court consistently draws the attention of representatives of parties before the General Court to Article 35(3) and Articles 79 and 122 of the Rules of Procedure of the General Court concerning the publication and the dissemination on the internet of documents relating to cases brought, as well as to Article 66 of those Rules of Procedure. All representatives are therefore invited to consider whether, in the case concerned, the identity of the party represented or of a third party or any other personal data of those natural persons should be kept confidential, and, if so, to make an application, by a separate document, for the omission of the personal data concerned, which should be specified.

## Omission of data other than personal data of natural persons

Any representative of a party to a dispute before the General Court may apply for data other than personal data of a natural person, such as the name of a legal person or data covered by trade or business secrets, to be omitted in the context of the proceedings. Such an application may also be made by the representative of an applicant for leave to intervene.

In that regard, **Article 66a(1)** of the Rules of Procedure of the General Court provides that 'in the course of the proceedings, the General Court may decide to omit, of its own motion or on a reasoned application by a party made by a separate document, data other than personal data of natural persons mentioned in documents and information to which the public has access if there are legitimate reasons why those data should not be publicly disclosed'.

## Points to note

- The application for omission of data must be submitted to the Registry of the General Court **as soon as the first procedural document is lodged** and, in any event, before the publication or the dissemination on the internet of information about the case concerned, in order not to jeopardise the practical effect of omitting the data.
- The application must be made by a **separate document**.
- The application must **accurately identify the data covered** by the application.
- The application for the omission of **data other than personal data of natural persons** referred to in Article 66a of the Rules of Procedure must state the legitimate reasons why those data should not be publicly disclosed.

**Parties should refer to the Rules of Procedure of the General Court and to the Practice Rules for the Implementation of the Rules of Procedure of the General Court (in particular points 72 and 73).**