



The protection of personal data in connection with publications relating to judicial proceedings before the Court of Justice

In accordance with its obligations, the Court of Justice 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 the individuals mentioned in cases brought before it.

Granting anonymity in proceedings brought before the Court of Justice

Where a person considers it necessary that certain personal data concerning him or her should not be disclosed in published material relating to a case brought before the Court of Justice, that person may contact the Court if necessary to request that he or she be granted anonymity in the context of that case.

In order to be effective, that request must, however, be made at the earliest possible stage of the proceedings. Given the increasing use of new information technologies and the publication obligations of the Court of Justice, anonymisation becomes much more difficult — and likely, therefore, to be of no practical effect — if the notice that the relevant case has been brought has already been published in the *Official Journal of the European Union*.

Preliminary ruling proceedings

Where anonymity has been granted by the referring court or tribunal, the Court of Justice will respect that anonymity in the preliminary ruling proceedings pending before it.¹ After the request for a preliminary ruling has been lodged, the Court can also anonymise the case of its own motion or at the request of the referring court or tribunal or of a party to the main proceedings.

Since 1 July 2018,² the Court of Justice has chosen to make greater use of that power by ensuring that the names of individuals mentioned in preliminary ruling cases are replaced by random initials in all material published in connection with those cases. Where this proves to be necessary, the Court of Justice will also

¹ Article 95 of the [Rules of Procedure of the Court of Justice](#).

² Thereby anticipating the entry into force, on 11 December 2018, of 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).

neutralise additional information in the case that might enable the persons concerned to be identified.

This protection applies in respect of all publications required to be made in connection with the Court's handling of the case, from its introduction until its closure (for example, notices in the Official Journal, Advocate General's Opinion, judgment), as well as to the name of the case itself and the associated metadata.

The Court of Justice may, however, derogate from these guidelines in the event of an express request from the person concerned or if the particular circumstances of the case warrant it.

Appeals against decisions of the General Court

Where anonymity has been granted by the General Court in a case against which an appeal has been brought before the Court of Justice, the latter will as a rule respect that anonymity in the proceedings pending before it. At the duly reasoned request of a party to the proceedings or of its own motion, the Court may also, if it considers it necessary, replace the name of one or more individuals mentioned in the context of the proceedings with random initials.³

Applications relating to the processing of personal data in connection with judicial publications

The Rules of Procedure of the Court of Justice provide that the Registrar is to be in charge of the publications of the Court and, in particular, the European Court Reports.⁴ Applications concerning the processing of personal data of individuals in connection with publications linked to judicial proceedings must therefore be addressed to the [Registry of the Court of Justice](#).

The Registrar will generally decide on the application within a period of two months, after which any failure to reply is to be deemed to constitute an implied decision rejecting the application. A complaint may then be made in respect of the Registrar's decision, within a period of two months, to a committee established within the Court of Justice that is responsible for ensuring that the rules on data protection are complied with.

The circumstances in which an application may be made to the Registrar and a complaint to the committee are set out in the [Decision of the Court of Justice of 1 October 2019 establishing an internal supervision mechanism regarding the](#)

³ Article 190(3) of the Rules of Procedure of the Court of Justice.

⁴ Article 20(3) of the Rules of Procedure of the Court of Justice.

[processing of personal data by the Court of Justice when acting in its judicial capacity.](#)

The committee has a period of four months to rule on the complaint. Failure of the committee to reply within that period is to be deemed to constitute implied confirmation of the decision of the Registrar in respect of which the complaint was made.

It is important to make clear that the committee is competent only to rule on decisions adopted by the Registrar when he or she is responsible for the processing at issue. Submission of a complaint to the committee does not therefore constitute a legal remedy in respect of a judicial decision adopted by the Court of Justice.