



## **From 1 July 2018, requests for preliminary rulings involving natural persons will be anonymised**

Since the new General Data Protection Regulation (GDPR) has just come into force,<sup>1</sup> preceding the regulation which will soon apply to the European Union institutions,<sup>2</sup> the Court of Justice has decided to increase the protection of the data of natural persons in publications concerning requests for preliminary rulings.

In so doing, it is following the tendency, seen within the Member States, to increase protection for personal data against a background marked by the proliferation of means of searching for and of disseminating information. Moreover, the recent case-law of the Court of Justice reflects that trend with an increasing number of judgments delivered in that area, on questions such as the right to be delisted on search engines,<sup>3</sup> the validity of the Commission decision finding that the United States provide an adequate level of protection for transferred personal data,<sup>4</sup> the validity of the Passenger Name Record data agreement between the European Union and Canada,<sup>5</sup> the liability of administrators of Facebook fan pages<sup>6</sup> or the lawfulness of the retention of personal data by providers of electronic communications services.<sup>7</sup>

In order to ensure the protection of the data of natural persons involved in requests for a preliminary ruling while guaranteeing that citizens are informed and have the right to open courts, the Court of Justice has therefore decided, in all requests for preliminary rulings brought after 1 July 2018, to replace, in all its public documents, **the name of natural persons** involved in the case by initials. Similarly, **any additional element likely to permit identification of the persons concerned will be removed.**

These new guidelines, which do not affect legal persons and from which the Court of Justice may derogate in the event of an express request from a party or if the particular circumstances of the case so justify, will apply to all publications made as part of the handling of the case, from its lodging until its closure (notices to the *Official Journal*, Opinions, judgments...), and to the name of the case.

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<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

<sup>2</sup> Currently, the regulation in force is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1).

<sup>3</sup> Judgment of the Court of 13 May 2014, Google Spain and Google (C-131/12, see also Press Release No. [70/14](#)).

<sup>4</sup> Judgment of the Court of 6 October 2015, Schrems (C-362/14, see Press Release No. [117/15](#)).

<sup>5</sup> Opinion of the Court of 26 July 2017 ([1/15](#), see Press Release No. [84/17](#)).

<sup>6</sup> Judgment of the Court of 5 June 2018, Wirtschaftsakademie Schleswig-Holstein (C-210/16, see Press Release No. [81/18](#)).

<sup>7</sup> Judgment of the Court of 8 April 2014, Digital Rights Ireland (C-293/12 and C-594/12, see Press Release No. [54/14](#), and judgment of the Court of 12 December 2016, Tele2 Sverige (C-203/15 and C-698/15, see Press Release No. [145/16](#)).

In order to facilitate the citation and identification of anonymised cases, each will be given, by the Court, a name by which it will be usually known, according to the following system:

- when the case is between only natural persons, the case name will correspond to two initials representing the first name and surname of the applicant, but different from the true name and surname of that party. To avoid there being a number of cases bearing the same initials (since the possible combinations of letters are not infinite), the Court will add to those two initials a distinctive element, in brackets. That additional element could refer to the name of a legal person which, without being a party to the case, is referred to or affected by the case or to the subject-matter or to what is at stake in the dispute. That method has, for example, been used in the recent judgment of the Court of 26 June 2017 in Case C-451/16, MB (Change of gender and retirement pension).<sup>8</sup>
- when the parties to the case include both natural and legal persons, the name of the case will correspond to the name of one of the legal persons. However, where that legal person is a public authority which is often a party before the Court of Justice (for example, 'Finance Minister'), a distinctive element will also be added to the case name.

Finally, it must be stated that the measures set out above seek to ensure appropriate protection for personal data in the *publications* of the Court of Justice. They do not affect the way in which cases are handled by the Court or the usual progress of the proceedings, or, in particular, the hearings, which will continue to follow the current arrangements.

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<sup>8</sup> See Press Release No [92/18](#).