



Press and Information

General Court of the European Union
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Judgment in Cases T-639/15 to T-666/15
Maria Psara and Others v Parliament and
T-94/16 Gavin Sheridan v Parliament

The General Court confirms the Parliament's refusal to grant access to documents relating to MEPs' subsistence allowances, travel expenses and parliamentary assistance allowances

The Parliament was entitled to claim that the documents concerned contain personal data since the applicants failed to prove the need for their transfer

In 2015, a number of journalists and journalism associations requested access from the Parliament to documents relating to the subsistence allowances, travel expenses and parliamentary assistance allowances of Members of the European Parliament ('MEPs'). Those requests were all refused by the Parliament, as were the confirmatory applications which followed them.

The persons concerned brought an action before the General Court seeking the annulment of the Parliament's decisions.

By today's judgment, **the General Court** dismisses the actions and **confirms the Parliaments' decisions refusing access to the documents requested.**

The Court recalls first of all that the institutions must refuse access to a document where disclosure would undermine the protection of privacy and the integrity of the individual, which provision must be implemented in accordance with EU law on the protection of personal data.¹ Under that legislation, 'personal data' means any information relating to an identified or identifiable natural person. Indeed, since **all the documents requested contain information concerning identified natural persons** (namely MEPs), the mere fact that those personal data are closely linked to public data on those persons does not mean that those data cannot be characterised as personal data.

Next, the Court recalls that access to documents containing personal data may nonetheless be granted if the applicant shows that the transfer is necessary and if there is no reason to believe that that transfer could prejudice the legitimate interests of the person concerned. **The General Court considers that the first of those two cumulative conditions (the need for the data to be transferred) is not met in the present case.** The applicants have failed to show how the transfer of personal data at issue is necessary to ensure an adequate review of the expenditure incurred by MEPs to fulfil their mandate, in particular to remedy the alleged inadequacies of existing mechanisms for the review of that expenditure. Similarly, the wish to institute public debate cannot suffice to show the need for the transfer of personal data, since such an argument is connected solely with the purpose of the request for access to the documents. Finally, the applicants have failed to demonstrate that that transfer is appropriate and proportionate to the objective pursued. The Court points out that, in any event, by their arguments, the applicants are not so much seeking again to challenge the legality of the contested decisions but are, in essence, denouncing shortcomings in and the ineffectiveness of existing review mechanisms. It is not for the Court to assess that point in the context of proceedings brought before it.

¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31) and 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).

With regard to the argument that the Parliament could have redacted the personal data in the documents requested and so grant partial access to those documents, the Court considers that **the disclosure of a version of the documents requested expunged of all personal data** (including the names of the MEPs) would have deprived the access to these documents of any useful effect, given that such access **would not have enabled the applicants to monitor individually the expenditure of MEPs**, since it would be impossible to link the documents requested to the persons concerned. In any event, the Court takes the view that the redaction of all personal data in the documents requested meant **an excessive administrative burden** having regard to the volume of documents requested (more than four million documents for all requests).

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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