IDENTIFICATION OF DOCUMENTS COVERED
BY A GENERAL PRESUMPTION OF CONFIDENTIALITY
GUIDANCE NOTE

We would like to draw your attention to the attached judgment of 28 May 2020 handed down by the General Court in case T-701/18, *Campbell v European Commission*, and its practical implications for the Commission.

Following this judgment as construed by the Legal Service, we recommend that responsible services and Directorates-General, henceforth, identify and briefly list the relevant documents or categories of documents within their initial replies to the applicants in response to requests for documents covered by a general presumption of confidentiality.

Non-confidential information such as dates, authors\(^1\) (such as the institution or administration who drafted them), titles and ARES reference numbers (if applicable) may also be included in such lists.

This new practice is designed to enable applicants to rebut general presumptions of confidentiality in accordance with the judgment.

However, pursuant to settled case law\(^2\), detailed lists of documents (such as the tables of contents of confidential administrative files) may remain protected under applicable general presumptions of confidentiality.

Thank you in advance for your cooperation.

Unit SG.C.1 - Transparency, Document Management & Access to Documents

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\(^1\) Subject to Regulation (EU) 2018/1725 on the protection of personal data, as applied under the Commission’s practice summarised in Guidance Fiches 9 and 19, pertaining to the protection of personal data of respectively Staff and Third Parties.