



DELPHINE HAROU
HEAD OF SUPERVISION AND ENFORCEMENT UNIT

Mr [REDACTED]
[REDACTED]

Brussels, 20 DEC. 2019
DH, [REDACTED] D(2019)2747 C 2019-1009
Please use edps@edps.europa.eu for all
correspondence

Subject: Complaint regarding the right to be forgotten – Case 2019-1009

CONFIDENTIAL

Dear Mr [REDACTED]

We refer to your complaint submitted to the EDPS on 5 November 2019 against the refusal of the Court of Justice of the European Union (the Court) to anonymise a judgment of the [REDACTED] [REDACTED] mentioning your name (Case [REDACTED] – case 2019-1009).

According to Article 57(1)(a) of Regulation (EU) 2018/1725¹, the EDPS is not competent to monitor and enforce the application of its provisions with regard to the processing of personal data by the Court acting in its judicial capacity. The Court considers that publication of judgments is part of their judicial capacity, and thus falls outside our competence. Consequently, the EDPS has very limited margin of manoeuvre in relation to your complaint.

As an alternative to anonymisation², we suggest you contact the General Court Registry and ask whether it could implement technical measures (such as a robots.txt file) in order to avoid indexing the procedural documents concerned by search engines. If you wish, we could also informally contact the General Court Registry, inviting them to consider the above-mentioned technical measure to limit indexing, but the EDPS cannot guarantee that such a request will succeed, nor compel the Court to apply any the measures requested.

If the General Court Registry refuses to implement technical measures to limit indexation, you may still contest such a decision in accordance with the conditions and time limit provided for in Article 265 TFEU.

¹ OJ L 295, 21.11.2018.

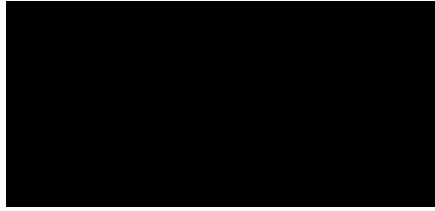
² Please note that the Court by default applies the anonymisation of the procedural documents in all references for preliminary rulings sent to it since 1 July 2018. Please also note that the Court refused to apply anonymisation in other proceedings (e.g. Case T-1/19).



We hope you find this information useful.

Yours sincerely,

Delphine HAROU



Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is necessary to ensure the appropriate investigation or follow up of your complaint. Your data will be stored by the EDPS in electronic and paper files for up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data protection notice on complaint handling at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en.