



EDPS PRESS RELEASE

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Transparency vs. data protection?

The EDPS presents guidelines for good practice as to both rights

Transparency and data protection are both essential elements of democratic life in the European Union. Citizens have a right of access to documents of European institutions. Equally, citizens enjoy protection of their personal data. What if those data are part of a public document? How to proceed in such a situation?

Peter Hustinx, the European Data Protection Supervisor, has issued a paper providing guidelines for dealing with requests for access to public documents containing personal data.

"The protection of the privacy of an individual is an important ground for exception to the right to information. However, this does not mean that public access should be automatically refused if a document contains personal data", Hustinx states. "Transparency and privacy are both fundamental rights and one does not prevail over the other. A careful consideration of both principles is the key to an appropriate solution."

When dealing with public access to documents containing personal data, it is imperative that the responsible officials make a concrete and individual examination of the specific document. Firstly, disclosure can only be refused if the privacy of an individual is at stake. Secondly, the negative effect of disclosure of someone's personal data must be substantial and thirdly it has to be examined if data protection legislation allows disclosure.

The EDPS paper highlights the background and importance of both rights and guides the reader through the process of consideration. Examples from the EU institutions help to make the topic more concrete. A checklist for officials dealing with the possible tension between both rights completes the paper, which is the first in an EDPS-series of background papers. Hustinx concludes: *"This paper gives an important signal to all parties involved, because it shows that both rights contribute to good governance in the EU."*

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for a full text version of the [background paper](#) and the [summary](#).