

Annex 5.1 Confidentiality

In order **to claim confidentiality** for information in the documents that you regard as business secrets or otherwise confidential, please provide:

- a) a non-confidential version of such documents in which you black out the information considered confidential. From the non-confidential version, it has to be clear where information has been deleted. If necessary to understand where redactions have been made, add indications such as “business secret” or “confidential information”;
- b) a comprehensive justification for your claim, as well as, a meaningful non-confidential description of the highlighted or already blacked-out/replaced information.

Please consider that, **to accept your confidentiality** claims:

- a) ‘business secrets’ relate to information about an undertaking's business activity whose disclosure could result in a serious harm to the same undertaking. Examples of information that may qualify as business secrets include: technical and/or financial information relating to an undertaking's know-how, methods of assessing costs, production secrets and processes, supply sources, quantities produced and sold, market shares, customer and distributor lists, marketing plans, cost and price structure and sales strategy;
- b) ‘confidential information’ includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm a person or undertaking. Depending on the specific circumstances of each case, this may apply to information about undertakings which are able to place very considerable economic or commercial pressure on their competitors or on their trading partners, customers or suppliers;
- c) confidentiality cannot be claimed for the entire or whole sections of the document as it is normally possible to protect confidential information with limited redactions;
- d) standard confidentiality stamps in letterheads, or automatic disclaimers in e-mails, are not regarded as a properly justified request for confidential treatment. The Agency will make such documents accessible, unless confidentiality has been claimed in accordance with the rules set out above.