



DECISION 16/2022
OF THE GOVERNING BOARD OF
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)

ON ACCESS TO DOCUMENTS AND CLASSIFICATION OF DOCUMENTS

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (hereinafter referred to as ‘the EIT Regulation’)¹, and in particular Article 17 and Section 2, 1.(c) and (j) of the Statutes annexed to the EIT Regulation;

Having regard to the Treaty on the European Union (hereafter referred to as ‘TEU’)², in particular Articles 1 and 6 thereof;

Having regard to the Treaty on the Functioning of the European Union (hereafter referred to as ‘TFEU’)³, in particular Article 15(3) thereof;

Having regard to the Charter of Fundamental Rights of the European Union (hereafter referred to as ‘the Charter of Fundamental Rights’)⁴, in particular Article 42 thereof;

Having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereafter referred to as ‘Regulation 1049/2001’);

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (hereafter referred to as ‘the Data Protection Regulation’)⁵;

Having regard to Decision of the Governing Board of the EIT of 17 October 2008 concerning the transparency and access to documents at the EIT⁶;

Having regard to the Decision of the Governing Board of the EIT of 16 December 2009⁷ on Guidelines for determining the level of confidentiality and accessibility of various categories of EIT documents;

¹ OJ L 189, 28.5.2021, p. 61–90

² OJ C 202, 7.6.2016, p. 1–46

³ OJ C 202, 7.6.2016, p. 47–388

⁴ OJ C 202, 7.6.2016, p. 389–405

⁵ OJ L 295, 21.11.2018, p. 39–98

⁶ EIT (08)- GB02-13 EAC/TF/D

⁷ Ref. Ares(2010)130364 - 11/03/2010



Having regard to EIT Decision 46/2018⁸ on the implementing rules of the document management process and procedure at the European Institute of Innovation and Technology (hereafter referred to as 'the EIT Decision on Document Management');

WHEREAS

- (1) Article 1 of the TFEU enshrines the concept of openness, stating that decisions are taken as openly and as closely as possible to the citizen.
- (2) The concept of openness enables the administration to enjoy greater legitimacy and to be more effective and more accountable. It also contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the TEU, developed in Article 15(3) of the TFEU, and in Article 42 of the Charter of Fundamental Rights of the European Union on access to documents.
- (3) Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents defines the general principles and limits governing the right of access to European Parliament, Council and Commission documents.
- (4) According to Article 17(7) of the EIT Regulation, Regulation 1049/2001 shall apply to the documents held by the EIT. The Governing Board shall adopt practical arrangements for applying that Regulation.
- (5) In principle, all documents should be accessible to the public. However, public and private interests should be protected by way of exceptions in order to safeguard the EIT's ability to carry out its tasks.
- (6) Classification of documents aims at protecting the EIT's reputation by preventing risks of documents' unauthorised access or misuse⁹ through classification and handling.
- (7) The confidentiality of information is assessed according to the damage that unauthorised disclosure may cause to the interests of the EIT, the European Union or one or more of its Member States, or other stakeholders such as businesses and European citizens.
- (8) The present decision regulates the rules on access to documents and the revised rules on the classification of documents.

HAS DECIDED AS FOLLOWS:

Article 1

The Decision of the Governing Board of the EIT on access to documents and classification of documents (Annex) is hereby adopted.

Article 2

(1) The Decision of the Governing Board of the EIT of 17 October 2008 concerning the transparency and access to documents at the EIT and the Decision of the Governing Board of the EIT of 16 December 2009 on Guidelines for determining the level of confidentiality and accessibility of various categories of EIT documents are hereby repealed by the present decision.

⁸ 13839.EIT.2018.I.AD

⁹ Including modification, removal or destruction during storage, transport, re-assignment, and disposal.



(2) This decision shall enter into force on the day of its signature.

Done in Budapest on 10 May 2022¹⁰

For the EIT

Gioia Ghezzi
Chairperson of the Governing Board

¹⁰ Adopted by a written procedure on 10 May 2022



ACCESS TO DOCUMENTS AND CLASSIFICATION OF DOCUMENTS



I. General provisions

Article 1

Purpose

I. Access to documents

1. The purpose of this Decision is to lay down the practical arrangements for the application of Regulation 1049/2001 as regards documents held by the EIT, as to ensure good administrative practices and high standards of public access to documents, while taking into account the specific nature of the EIT and its mandate.
2. According to Article 15 of the TFEU, a right of access to documents of the EU Institutions, Bodies, Offices and Agencies is granted according to the principles and further conditions as defined by the relevant Regulations, namely Regulation 1049/2001.
3. In principle, all documents of the EU Institutions and of the European decentralised Bodies, such as the European Agencies, are accessible to the public. However, certain public and private interests, such as the privacy and integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data, or the commercial interests of a natural or legal person, shall be protected by way of exceptions in line with the provisions of Regulation 1049/2001.

II. Classification of documents

1. The main objective of the classification of documents is to protect the EIT's reputation by preventing risks of documents' unauthorised access or misuse through classification and handling.
2. The overarching principle of the classification of documents is that if a document potentially contains elements that require specific protection, even if these elements are minimal, such document should be classified appropriately in order to protect those elements.

Article 2

Scope

I. Access to documents

1. The EIT aims to ensure the widest possible access to the documents that it produces or receives and has in its possession.
2. This decision on access to documents shall apply to all documents held by EIT, as well as to documents that are drawn up by the EIT or are received by it, and which are in its possession, concerning matters related to the policies, activities and decisions falling within EIT's sphere of responsibility.
3. This decision, which applies in the context of the EIT's activities, has a two-fold approach. One relates to the way EIT deals with all written requests (including requests made electronically) for access to any document originated, received or held by EIT (i.e. reactive disclosure). The second one concerns proactive disclosure of EIT documents, either through the EIT website or through other sources of publication.
4. It should be noted that requests for information fall outside the scope of this decision as they are addressed and will be handled in accordance with the Ethical and Organisational Code of Conduct at the EIT.¹¹

¹¹ Decision No 14/2010 of the EIT of 21 May 2010 on adopting the Ethical and Organisational Code of Conduct at the EIT (00016.EIT.2010/I/DIR/CN/Ad0)



II. Classification of documents

1. The present decision aims to define the EIT's documents classification scheme and guidelines.
2. Responsibility shall be assigned to the existing process owners to act as document classification owners for defining the correct classification for documents managed in their process(es) and supervise the implementation of the relevant protections.
3. Documents classification changes shall be evaluated during their lifecycle and in line with the evolution of information relevance; classification may change due to the document lifecycle or due to specific legal requirements.
4. This decision aims to ensure as a minimum compliance with all applicable legislation and EIT requirements.
5. The EIT will enforce this by:
 - Provision of adequate and appropriate resources to implement this policy and to ensure it is adequately communicated and understood;
 - Effective communication and cooperation with stakeholders/users to raise awareness.

Article 3 Beneficiaries¹²

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of EIT, subject to the principles, conditions and limits defined by the Regulation 1049/2001.
2. On a case-by-case decision, the EIT may, subject to the same principles, conditions and limits set forth in the Regulation 1049/2001, grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.

Article 4 Definitions

1. **'Document'**: shall mean any content drawn up or received by the EIT, as defined by the EIT Decision on Document Management¹³.
2. **'Working document'**: indicates "work in progress"; a preliminary form of a possible future document. Several revisions of the draft version may be issued before the final document is completed, or the document may become obsolete due to future developments.
3. **'Requester'**: in the context of this policy, the notion of requester shall mean any natural or legal person filing an application for access to documents pursuant to the principles set in Regulation 1049/2001.
4. **'Third party'**: shall mean any natural or legal person, or any entity outside EIT, including the Member States, other EU or non-EU institutions and bodies and third countries.
5. **'Personal Data'**: refers to personal data as defined in Article 3(1) of the Data Protection Regulation (EU) 2018/1725.
6. **'Redacted documents'**: are documents that, in their original form, contain sensitive information, which must be blacked out before access to these documents may be granted.

¹² Beneficiaries in relation to access to documents

¹³ Decision 46/2018 of the Interim Director of the European Institute and Technology on implementing rules of the documents management process and procedure at the European Institute of Innovation and Technology of 25 October 2018.



7. **‘Information’**: Information¹⁴ is any aggregation of data, which has a value and a meaning for the EIT.
8. **‘Downgrading’**: reduction in the level of classification.
9. **‘Declassification’**: removal of any classification.
10. **‘Sensitive Documents’**: are documents “which protect the essential interests of the European Union or one or more of its Member States in the areas covered by Article 4(1)(a) of the Regulation 1049/2001, notably public security, defence and military matters¹⁵”.

II. Access to documents

Article 5

Access to documents applications

1. All applications for access to a document shall be made directly by the web form published on the EIT website, by email to the dedicated functional mailbox or by mail to the address indicated on the EIT website. An acknowledgement of receipt shall be sent to the requestor with a reference number. This reference number must be used every time the requestor contacts the EIT regarding that particular request. The EIT shall answer initial and confirmatory access applications within fifteen working days from the date of registration of the application.
2. In the event of a complex request or a request relating to a very long document or to a very large number of documents, the deadline may be extended by fifteen (15) working days. Reasons shall be given for any extension of the deadline and it shall be notified to the applicant beforehand.
3. If a request is imprecise, as referred to in Article 6(2) of the Regulation 1049/2001, the EIT shall invite the applicant to clarify his/her request and the EIT shall assist the applicant by doing so making it possible to identify the documents requested; the deadline for reply shall run only from the time when the EIT has this information. Notwithstanding paragraph 2 of this Article, in the event of a complex application or an application relating to a very long document or to a very large number of documents, the EIT will apply the principle of proportionality in order to avoid that performance of core tasks assigned to the EIT is jeopardised. In such cases, the EIT may confer with the applicant, with a view to finding a fair and reasonable solution (e.g. a priority list of documents), whenever the request addresses a long list of documents or the document(s) the requester is interested in requires extensive redaction before being disclosed. If documents are voluminous or difficult to handle, the applicant may be invited to consult the documents at the EIT's premises. This consultation shall be free of charge.
4. Without prejudice to the Regulation in force relating to fees and charges payable to the EIT, if the volume of the documents requested exceeds twenty pages, the applicant may be charged a fee for making the necessary copies. This fee shall be set by the Director. Such charges are published in the annex to this Decision. They shall not exceed a reasonable amount.
5. Direct access in electronic form shall be free of charge.
6. The EIT will not process requests that are abusive, repetitive and/or excessive in number. This includes requests using threatening or vulgar language.
7. Any decision which is even partly negative shall state the reason for the refusal based on one of the exceptions listed in Article 6 of this Decision in a manner which does not harm the interests protected in Article 6 and shall inform the applicant of the remedies available to him.

¹⁴ Therefore, the concept of information is very wide and various; for example, any news, written or oral communication, data in a file or the code in a program can be considered as information, information can be received, processed or published.

¹⁵ See Article 9.1 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. OJ L 145, 31.5.2001.



Article 6 Exceptions

1. The EIT shall refuse access to a document where disclosure would undermine the protection of:
 - a) the public interest as regards:
 - public security, defence and military matters, international relations, the financial, monetary or economic policy of the Union or a Member State;
 - b) the privacy and the integrity of the individual.
2. The EIT shall refuse access to a document where disclosure would undermine the protection of:
 - a) commercial interests of a natural or legal person, including intellectual property;
 - b) court proceedings and legal advice;
 - c) the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure.
3. Access to a document, drawn up for internal use or received by the EIT, which relates to a matter where the decision has not been taken by the EIT, shall be refused if disclosure of the document would seriously undermine the decision-making process, unless there is an overriding public interest in disclosure.
4. Access to preparatory documents¹⁶ shall be refused even after the decision has been taken if the disclosure of the document would seriously undermine the EIT's decision-making process, unless there is an overriding public interest in its disclosure.
5. As regards third-party documents (i.e. originating in whole or in part from Member States, third parties, Union bodies, private parties or private persons), the EIT shall consult the third party to assess whether any of the exceptions laid down in this Article is applicable, unless it is clear that the document shall not be disclosed or shall be disclosed with no redactions (e.g. a document that has already been made public). In all cases, the final decision on disclosure will be the sole responsibility of the EIT.

The third-party author consulted shall have a deadline for reply, which shall be no shorter than five working days but must enable the EIT to abide by its own deadlines for the reply. In the absence of an answer within the prescribed period, or if the third party is untraceable or not identifiable, the EIT shall decide in accordance with the rules on exceptions in this Article, taking into account the legitimate interests of the third party on the basis of the information at its disposal.

If the EIT intends to give access to a document against the explicit opinion of the third-party, it shall inform the third-party of its intention to disclose the document after a ten-working day period and shall draw his/her attention to the remedies available to him/her to oppose disclosure.

6. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released.

¹⁶ Preparatory documents are those that contain opinions for internal use as part of deliberations and preliminary consultations within the EIT, such as, working documents, internal notes, and documents containing opinions for internal use or related to preliminary consultations within EIT.



7. The decision whether to release a document or parts thereof may depend on the outcome of the balance between public and private interests. For instance, in case of a document containing information of commercial interest, the EIT has to strike the balance between the right of the requester to gain access to documents and the interest of industry to have commercial confidential information duly protected. The EIT will ensure protection of commercial interest in accordance with the notion of commercial confidential information. In view of the lack of a legal definition and for the purpose of this policy 'commercial confidential information' shall mean any information which is not in the public domain or publicly available and where disclosure may undermine the economic interest or competitive position of the owner of the information.

Article 7

Processing of initial applications

1. An application for access to a document shall be handled promptly. As soon as the application is registered, an acknowledgement of receipt shall be sent to the applicant.
2. The acknowledgement of receipt and the answer shall be sent by electronic means or where appropriate, in writing.
3. Within fifteen (15) working days from receipt of the application, the EIT shall either grant access to the document requested and or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to ask the EIT to reconsider its position in accordance with paragraph 4 of this Article.
4. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the EIT's reply, ask the EIT to reconsider its position by submitting a confirmatory application to the Director or to the Head of Services and Finance Unit.
5. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time-limit provided for in paragraph 3 may be extended by fifteen (15) working days, provided that the applicant is notified in advance and that detailed reasons are given.
6. Failure by the EIT to reply within the prescribed time limit shall entitle the applicant to a confirmatory application.
7. Decision on the initial application shall be taken by the Director/COO or the relevant Head of Unit.
8. The applicant shall be informed of the response to his/her application.

Article 8

Processing of confirmatory applications

1. The Director shall take decisions relating to requests to the EIT to reconsider its position. Such requests shall be handled promptly. Within 15 working days from receipt of such a request, the EIT shall either grant access to the document concerned or, in a written reply, state the reasons for the total or partial refusal.
2. In the event of a total or partial refusal, the EIT shall inform the applicant of the remedies open to him or her, namely, to bring an action before the Court of First Instance or to lodge a complaint with the European Ombudsman.
The applicant shall be informed of the answer to his/her confirmatory application.



Article 9

Measures facilitating access to the documents

1. A public register of documents shall be established by the Director to allow citizens to exercise their rights under Regulation 1049/2001. References to those documents shall be made in a manner which does not undermine the protection of the interests set out in Article 6 of this decision.
2. The register shall contain the title of the document (in the languages in which it is available), its document number, other useful references and the date of its creation or adoption.
3. When a document that is registered in ARES as final by a staff member falls under the EIT documents classification's category: 'public register' laid down in Annex I of this Decision, and following consultation with the Document Management Officer in this regard, a request by email shall be sent by this staff member to EIT-Communications with the registered document as attachment under the title: 'upload for public register' to upload this document to the public register of documents (copying the document access coordinator in this correspondence).
4. The documents access coordinator shall ensure the compliance of the public register of documents with the requirements laid down under Regulation 1049/2001 and this decision. An overview table on the public documents uploaded on the public register per year shall be created by the document access coordinator and shall be kept up to date. This overview table shall be sent to the Director twice a year for information.

Article 10

Internal Organisation

The Director shall ensure coordination and uniform implementation of these rules by the EIT staff. To this end, he shall designate a suitably-qualified person responsible for assessing initial applications for documents ("documents access coordinator")¹⁷ and for preparing decisions by the Director with respect to initial and confirmatory applications.

III. Classification of documents

Article 11

Classification of documents and levels of confidentiality

11.1 Classification Scheme

1. The EIT documents shall be classified according to the following three categories:
 - **Public:** Documents already exposed to the public or authorised to be exposed to the public.
Predefined population: Everyone (e.g. general public).
 - **Restricted:** Documents not available to the public. Unauthorised disclosure could be disadvantageous to the interests of the EIT.

¹⁷ Decision 18/2021 of the Director of the European Institute of Innovation and Technology of 18 May 2021 on the appointment of EIT staff members for various functions and definition of their tasks. Ref. Ares (2021)2995336 - 05/05/2021



Predefined population: All Internal Users¹⁸. Restricted documents disclosure outside the EIT is driven by the need-to-know criteria (these documents are available only to authorised person to perform their job/activity) and under proper non-disclosure and restricted use obligations.

- **Confidential:** Documents not available to the public. Unauthorised disclosure could seriously harm the interests of the EIT and/or its network; if disclosed, both internally and externally, can cause serious damage to the EIT's reputation and/or its network reputation. These could be characterised by the fact that they may at some stage be made available to the public, but that their premature disclosure might be prejudicial.

Predefined population: These documents are made available only to the Director and to other Internal Users, Committees and Governing Board members on a strict need-to-know basis.

Restrictions: All documents designated as Confidential are prohibited from disclosure outside the EIT except with the approval of the Director and under strict obligations of non-disclosure and restrictions on use with no fixed-term or end to such obligations.

2. Classification of documents in ARES

a. Correspondence between classification levels and ARES markings

Level of confidentiality	Description	ARES marking
Public	Information that is, or is ready to be, published.	Confidentiality level: Normal
Restricted	Information that is not for public use and the unauthorised disclosure of which could be disadvantageous to the interests of the EIT.	Confidentiality level: Normal
Confidential	Information that the EIT must protect because of legal obligations or because of its sensitivity. An unauthorised disclosure could seriously harm the interests of the EIT and/or its network; if disclosed, both internally and externally, can cause serious damage to the EIT's reputation and/or its network reputation.	Confidentiality level: SNC (Sensitive Non-Classified) Security marking- SENSITIVE [with optional restriction on Service/Unit/Group]

b. Notes on the use of ARES markings

The security marking SENSITIVE may be used on its own or with one or more distribution markings (staff matter, medical secret) to help users to determine whether they have a need-to-know for the document.

When SENSITIVE is used on its own, the originator can distribute the information according to the business need. This should be defined by adding the services (unit, section) concerned or working groups (list of persons working on specific projects) created by the DMO upon request.

¹⁸ The creator should select according to ARES the category of internal users (organisational entities or groups) to whom the document should be disclosed.



The distribution markings indicate restrictions on the authorised recipients or the expected timeframe of the sensitivity of a document, since some documents are only sensitive until a certain date or event.

The Data Protection Regulation is applicable to all documents containing personal data, irrespective of the marking.

11.2. ROLES AND RESPONSIBILITIES

Document classification and handling is EIT Staff's responsibility. It is expected from everyone to contribute towards achieving the EIT's overall security, trust and transparency objectives.

The actors involved in the document classification are as follows: *Temporary staff (TA)*, *Contract staff (CA)*, *Seconded National Experts (SNE)*, *Interims*, *Contractors (onsite/offsite)*, *Advisory Groups*.

- EIT Director, Head of Unit and Chief Operating Officer

1. EIT Director, Chief Operating Officer and Heads of Unit will be consulted on all matters relating to policies and procedures and are responsible for promoting adoption within their respective areas of operation.
2. Ensuring all staff is aware of their responsibilities in terms of documents classification and receives appropriate guidance and training relevant to their job role.
3. Ensuring appropriate notification of any violations of this policy, especially those resulting in breaches that are subject to data protection law or other applicable law.

- Document Classification

1. Document creators are responsible to mark documents in accordance with the classification scheme. If needed, mark the need-to-know, specifying the restricted population. In case of questions related to marking of a document, the document creator as Document Classification Owner shall consult and seek the approval of the Unit DM focal point assigned to the relevant EIT Section to which the staff member belongs. In case of conflict of interest of the Unit DM focal point, the creator should consult directly with the respective Line Manager. Notwithstanding the foregoing, staff members are considered as document creator except for trainees.
2. Documents to be marked as 'restricted' shall be submitted by the document creators to the responsible Head of Unit for approval. Before the document marked as restricted is filed in ARES, the document creator shall ensure that the related document is only accessible to authorised Users in line with Article 12.1 of this decision.
3. Documents to be marked as 'confidential' shall be forwarded to the responsible line manager by the document creator who, if agreed with the proposed marking, shall send it to the Director of the EIT for approval. Before the document marked as 'confidential' is filed in ARES, the document creator shall ensure that the related document is only accessible to authorised Users in line with Article 12.1 of this decision.
4. Documents defined as "restricted" or "confidential" shall have the same level of confidentiality and access both in ARES as well as outside of it, including but not limited to EIT electronic and paper files. The implementation of this requirement has to be ensured by the respective EIT unit(s), who is/are the document(s) owner(s).
5. Article 12.2 (2) and (3) shall not apply in those cases, where a Line Manager, in agreement with the Director, has decided that all documents, current or future ones, falling under a certain category of the EIT File Plan or Retention List, shall be defined as "restricted" or "confidential".
6. Staff members must understand the nature of the documents managed within their process(es) and are therefore responsible for specifying, implementing and monitoring safeguards to protect the confidentiality, integrity and availability of these documents throughout their lifecycle. This includes establishing effective controls which manage the creation, storage, access, distribution, amendment, copying, archiving and disposal of documents. Perform an evaluation of the documents managed within the process for which they are responsible in order to define the appropriate classification level.



7. Staff members under the guidance of the Access to Documents coordinator shall periodically review and assess document classifications and adjust them as required.

- **User**

1. Should the User receive an unmarked document from an internal source, the User shall ensure compliance with the classification policy by contacting the Creator of the document. Unmarked documents received by the User from an external source shall be classified according to this policy.
2. All authorised Users who have access to documents are required to keep them secure to the classification level applied to the document.
3. Must ensure compliance with this policy and be responsible for his/her activities.
4. Must report any violations of this policy to the Document Management Officer.

- **Document Management Officer (DMO)**

1. Shall update and maintain this policy as the policy owner, in consultation with the Access to documents coordinator.
2. Shall oversee and coordinate the implementation of the documents classification policy in order to assure consistency across the EIT under the supervision of the Head of Services and Finance.
3. Shall support the Document creator, users and DM focal points by providing guidelines.

11.3. GENERAL PRINCIPLES FOR DOCUMENT CLASSIFICATION

Documents are classified considering the following aspects:

1. The classification of a document shall be determined by the level of sensitivity according to the classification scheme defined in Article 12.1 of this Decision.
2. Each classification can be accessed by a specific predefined population as set out in Article 12.1.
3. All documents must be marked by the document creator/recipient in accordance with the criteria laid down in this Decision and treated with the required security measures.
4. Individual pages, paragraphs, sections, annexes, appendices, attachments and enclosures of a given document may require different classifications and shall be classified accordingly. If elements of different nature are present in a document, the classification applied to this document will be the more restrictive. Therefore, if the document contains elements that require specific protection, even if these elements are minimal, such document should be classified appropriately in order to protect these elements. The classification of the document as a whole shall be that of its most highly classified part.
5. Documents shall be classified as confidential only when necessary. The classification shall be clearly indicated in the document and shall be maintained only as long as the document requires protection.
6. Working documents not registered in ARES shall be marked according to the classification scheme laid down in Article 12.1 of this Decision.
7. The creator shall indicate clearly at which level a document should be classified.
8. The classification shall appear at the top right corner of each page, and each page shall be numbered.
9. Any person receiving confidential information who is not the intended recipient, must inform the sender, where possible, and destroy the information (unless the sender explicitly requires the return of the document).



10. For documents saved in ARES, the only persons authorised to modify a marking are the creator of the document and the person that has the active task in the workflow. It is not possible to modify a registered document. If the security of a registered document should be modified, the Document Management Officer (DMO) shall do it - upon justified request - through the option "Classifications and marking" where s/he can declassify the document or edit the marking.
11. Any request to modify the original classification level of a document should be addressed to the DMO, who in consultation with the responsible Head of Unit and the Access to document coordinator shall assess the request and proceed accordingly when required.
12. EIT classification must also comply with Data Protection Regulation (EU) 2018/1725 and is without prejudice to Regulation (EC) 1049/2001 on Public Access to documents.

11.4 CONFIDENTIALITY: HANDLING OF SENSITIVE DOCUMENTS AND INFORMATION

1. Applications for access to sensitive documents under the procedures laid down in this Decision are handled only by staff members assigned to do so.
2. Access to a document the content of which partially contains sensitive information may be granted by the EIT provided that the parts containing the sensitive information have been blanked out.
3. Reasons for granting partial access only or refusing access to a sensitive document are given on the basis of the exceptions listed in Article 4 of the Regulation.
4. If it proves that access to the requested document cannot be refused based on these exceptions, the Access to document coordinator handling the application informs the DMO of the EIT that the document is to be downgraded. The DMO is responsible for this process according to Article 12.2 of this Decision.
5. Staff are responsible for the security of information in their possession or under their responsibility and must comply with the rules on access to documents safeguarding the public interest.
6. In ensuring that information is securely managed and processed, staff have a responsibility to manage documents efficiently. Line managers have a particularly important role to play in ensuring good record management in the EIT. Documents should be appropriately registered in the systems in place to that effect. Staff must observe the relevant policies in place and adhere to them and to the guidelines issued for an appropriate and adequate document management. In particular, this Decision, in relation to classification of documents is of relevance when handling EIT information and documents, and staff must abide by it.
7. All staff should also observe a 'clean desk' approach when handling documents and information. This requires, amongst other things:
 - To secure all restricted and confidential information whenever absent from the workspace, be it either during or at the end of the working day.
 - Use cupboards/pedestals to store documents containing confidential information. This includes USB drives, external hard drives, etc. The cupboards should be locked when unattended or at the end of the working day, and the key stored in a safe place.
 - PCs and laptops should be locked (logged out or shut down) when unattended, as well as at the end of the working day. Staff should follow the specific security rules for each information system they use and they should observe the relevant policies on the use of IT equipment.



- If not using the printers' confidential printing option, all printed materials should be removed immediately after printing, with particular attention to those containing confidential information as well as personal data.
- Staff should also limit distribution and copying of sensitive documents to essential copy recipients and avoid, if possible, taking paper copies of sensitive documents outside the EIT premises; staff could use their laptops for those purposes. They should use the allocated shredders to dispose of sensitive documents after use.
- Staff must not discuss sensitive information in public places. Furthermore, they must not disclose any sensitive information obtained in their professional capacity at the EIT, except on a 'need to know' basis.
- Sensitive information, either internal (e.g. administrative data) or external (e.g. market sensitive data) to which staff has access must never be used for private gain. Staff should remember that information that may seem of little relevance to them may be of value to others. They should therefore treat sensitive information with discretion at all times.
- Furthermore, staff must observe the relevant data protection rules whenever they need to process personal data. In such cases, the staff member should verify whether the respective data protection record and privacy statement have been prepared. If necessary, the staff should immediately contact the data controller (i.e. responsible Head of Unit or the Director) and/or the Data Protection Officer (DPO).

ANNEX I EIT Documents classification (non-complete list)

Public	<p>Public Register (main categories and documents)</p> <ol style="list-style-type: none"> 1. Legal basis and strategy: <ul style="list-style-type: none"> - EIT Regulation - EIT Strategic Innovation Agenda (SIA) 2014-2020 - EIT Strategic Innovation Agenda (SIA) 2021-2027 2. Planning and Programming: <ul style="list-style-type: none"> - Single Programming Documents - Annual work programmes 3. Annual Activity Reports 4. Financial Accounts: EIT annual budget 5. EIT Governing Board Meetings and Decisions (<i>except when dealing with sensitive data/information¹⁹</i>) <ul style="list-style-type: none"> - Agenda and conclusions of Governing Board meetings; - EIT Governing Board decisions - Rules of procedure 6. EIT Director Decisions (<i>except when dealing with sensitive data/information</i>) 7. Memoranda of Understanding
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¹⁹ In line with Article 10 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, -Processing of special categories of personal data: '1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited [...]'.



	<p>8. Summary Records of the Member State Representative Group meetings</p> <p>9. Other Documents</p> <p>The public register page of the EIT website will also provide a link to sections of the website dedicated to below set of public documents:</p> <ul style="list-style-type: none"> - Public Tenders - Recruitment – Call for applications; Guide to Applicants; Appointment of the Selection Committee - Communication documents: press releases, presentations, speeches, newsletters.
Restricted	<ul style="list-style-type: none"> • Working documents that have not sensitive data (draft working version). • Preliminary findings from the Court of Auditors or other Auditors • Deliberations, observations and opinions from experts/stakeholders • Minutes of the GB meetings • Reports prepared by external consultants/experts/rapporteurs • HR files except those containing sensitive data • Final audit reports/recommendations • Applications, complaints or any other documents containing personal data but not sensitive. • Documents issued in the context of Court cases
Confidential	<ul style="list-style-type: none"> • Personal files of EIT staff that contains sensitive data, including medical records • Appraisal and reclassification related files • KICs documents related to sensitive data including IP of innovations/commercial data • Working versions of files with sensitive data • Minutes of GB meeting closed sessions • OLAF documents within the context of an investigation including Recommendations (as results of OLAF investigations) • Documents related to internal administrative inquires/disciplinary procedures. • Documents containing sensitive or confidential information supplied by third parties