

Commission Decision (EU, Euratom) 2019/1961 of 17 October  
2019 on implementing rules for handling CONFIDENTIEL UE/  
EU CONFIDENTIAL and SECRET UE/EU SECRET information

CHAPTER 6

**END OF LIFE FOR CONFIDENTIEL UE/EU CONFIDENTIAL  
AND SECRET UE/EU SECRET INFORMATION**

*Article 37*

**When to downgrade or declassify**

1 Information shall remain classified only for as long as it requires protection. Downgrading means a reduction in the level of security classification. Declassification means that the information shall no longer be considered as classified at all. At the time of its creation, the originator shall indicate, where possible, whether the EUCI can be downgraded or declassified on a given date or following a specific event. Otherwise, the originator shall review the information and assess the risks at least every 5 years in order to determine whether the original classification level is still appropriate.

2 Commission documents may also be downgraded or declassified on an *ad hoc* basis, for example following a request for access from the public.

*Article 38*

**Responsibility for downgrading and declassifying**

1 CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information shall not be downgraded or declassified without the permission of the originator.

2 The Commission department that creates a classified document shall be responsible for deciding whether it can be downgraded or declassified. Within the Commission, all requests for downgrading and declassifying shall be subject to consultation of the Head of Unit or Director of the originating department. If the department has compiled classified information from various sources it shall first seek the consent of any other parties that provided source material, including in Member States, other EU bodies, third countries or international organisations.

3 Where the originating Commission department no longer exists and its responsibilities have been taken on by another service, the decision on downgrading and declassifying shall be taken by this service. Where the originating department no longer exists and its responsibilities have not been taken on by another service, the decision to downgrade or declassify shall be taken jointly by the Heads of Unit or Directors of the recipient Directorates-General.

4 The department responsible for downgrading or declassifying shall work with its respective registry on the practical arrangements for carrying out downgrading or declassification.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 6. (See end of Document for details)*

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### Article 39

#### **Sensitive non-classified information**

When reviewing a document results in a decision to declassify, consideration shall be given as to whether the document should bear a sensitive non-classified information distribution marking within the meaning of Article 9 of Decision (EU, Euratom) 2015/443.

### Article 40

#### **How to indicate that a document has been downgraded or declassified**

- 1 The original classification marking at the top and bottom of every page shall be visibly crossed out (not removed) using the 'strikethrough' functionality for electronic formats, or manually for print-outs.
- 2 The first (cover) page shall be stamped as downgraded or declassified and completed with the details of the authority responsible for downgrading or declassifying and the corresponding date.
- 3 The original recipients of the CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information shall be informed of the downgrading or declassification. The initial recipients shall be responsible for informing any subsequent addressees to whom they have sent or copied the original CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information.
- 4 The Commission's Historical Archives Service shall be informed of all declassification decisions taken.
- 5 All translations of classified information shall be subject to the same downgrading or declassification procedures as the original language version.

### Article 41

#### **Partial downgrading or declassification of CONFIDENTIEL UE/ EU CONFIDENTIAL or SECRET UE/EU SECRET information**

- 1 Partial downgrading or declassification shall also be possible (e.g. annexes, some paragraphs only). The procedure shall be identical to that for downgrading or declassifying an entire document.
- 2 Upon partial declassification ('sanitising') of CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information, a declassified extract shall be produced.
- 3 The parts that remain classified shall be replaced by:

#### **PART NOT TO BE DECLASSIFIED**

either in the body of the text itself, if the part that remains classified is a part of a paragraph, or as a paragraph, if the part that remains classified is a specific paragraph or more than one paragraph.

4 Specific mention shall be made in the text if a complete annex cannot be declassified and has therefore been withheld from the extract.

#### *Article 42*

##### **Routine destruction and deletion of CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information**

- 1 The Commission shall not amass large quantities of classified information.
- 2 Originating departments shall review documents at least every 5 years for destruction or deletion. A review shall take place both for information stored on paper and for information stored in CIS at regular intervals.
- 3 Staff shall not destroy any hard copy CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET documents that they no longer require, but shall instead ask their Registry Control Officer to destroy the documents, subject to any archiving requirements for the original document.
- 4 Staff shall not be required to inform the originator if they delete copies of CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET documents.
- 5 Draft material containing classified information shall be subject to the same disposal methods as finalised classified documents.
- 6 Only approved shredders shall be used for destroying CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET documents. Level 5 of DIN 66399 shredders are suitable for destroying CONFIDENTIEL UE/EU CONFIDENTIAL documents. Level 6 of DIN 66399 shredders are suitable for destroying SECRET UE/EU SECRET documents.
- 7 The shred from approved shredders may be disposed of as normal office waste.
- 8 The Registry Control Officer shall create destruction certificates and update the logbooks and other registration information accordingly.
- 9 All media and devices containing CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information shall be properly sanitised when they reach the end of their lifetime. The electronic data shall be destroyed or erased from information technology resources and associated storage media in a manner that gives reasonable assurance that the information cannot be recovered. Sanitisation shall remove data from the storage device, and also remove all labels, markings and activity logs.
- 10 Computer storage media shall be given to the LSO or Local Informatics Security Officer and/or Registry Control Officer for destruction and disposal.

#### *Article 43*

##### **Evacuation and destruction of CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information in an emergency**

- 1 The Head of Department shall develop, approve and if necessary activate emergency evacuation and destruction plans to safeguard EUCI that is at significant risk of falling into unauthorised hands during a crisis. In order of priority, and depending on the nature of the emergency, consideration shall be given to:

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*Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 6. (See end of Document for details)*

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- (1) moving EUCI to an alternative safe place, where possible a Secured Area within the same building;
- (2) evacuating EUCI to an alternative safe place, where possible a Secured Area in a different building, where possible a Commission building;
- (3) destroying EUCI, where possible using the approved means of destruction.

2 When emergency plans have been activated, priority shall be given to moving or destroying SECRET UE/EU SECRET information first, and any CONFIDENTIEL UE/EU CONFIDENTIAL thereafter.

3 The operational details of emergency evacuation and destruction plans shall themselves be classified as RESTREINT UE/EU RESTRICTED. A copy shall be kept in each safe that stores CONFIDENTIEL UE/EU CONFIDENTIAL or SECRET UE/EU SECRET information so as to be accessible in the event of an emergency.

#### *Article 44*

#### **Archiving**

1 Decisions on whether and when to archive, and the corresponding practical measures to be taken, shall be in accordance with the Commission's policy on document management.

2 CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET documents shall not be sent to the Historical Archives of the European Union in Florence.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Decision (EU, Euratom) 2019/1961, CHAPTER 6.