

HANDLING INSTRUCTION NO 9¹

ARCHIVING OF CONFIDENTIAL INFORMATION

1. INTRODUCTION

- (1) This handling instruction regulates archiving of confidential information.
- (2) Article 12 of the Bureau Decision establishes the principle that secure archiving facilities shall be provided within the Secure Area and defines the conditions for the consultation of confidential information held in the secure archive. Further details as regards the archiving of confidential information are set out in Annex II of the Bureau Decision, Security Notice 2 points 92 and 93.

2. PRINCIPLES

- (3) The Secure Archive is the European Parliament's secure archiving facility for information classified at CONFIDENTIEL UE/EU CONFIDENTIAL and above. It is located within the Secure Area of the European Parliament, managed by the CIU. It is part of the Archives of the European Parliament and contains current and intermediate archives² of classified information. The Secure Archive may also be used as an intermediate archive for information classified as RESTREINT EU/EU RESTRICTED.
- (4) Current archives containing information classified as RESTREINT EU/EU RESTRICTED are under the responsibility of the parliamentary body/office holder or service concerned and shall comply with handling instructions Nos 3, 4 and 5. CIU current archives containing information classified as RESTREINT EU/EU RESTRICTED are located in the Secure Reading Room.

3. PRACTICE

3.1. General rules

- (5) Information shall be transmitted to the historical archives of the European Parliament only when it has been declassified. When the original file is with a parliamentary body/ office holder or service, the declassified information shall be transmitted to the parliamentary body/office holder or service where the original file is deposited.

¹ Decision of the Bureau of the European Parliament of 15 April 2013 concerning the rules governing the treatment of confidential information by the European Parliament ("the Bureau Decision").

² Article 5 of the Rules on document management in the European Parliament, Decision of the Bureau of 2 July 2012 ("the Bureau Decision on document management").

- (6) The CIU shall provide to the recipient all data necessary for reintegrating the declassified information into the original file.
- (7) "Other confidential information" shall be managed by the secretariats of the respective parliamentary body/office holder or service or the CIU in accordance with Article 5 of the Bureau Decision on document management and in compliance with handling instructions Nos 4 and 5. Such information is transmitted to Parliament's historical archives in accordance with Article 7 of the Bureau Decision on document management and its implementing rules³.
- (8) Before every transmission for current or intermediate archiving from one parliamentary body/office holder or service to another, documents containing confidential information shall be examined by the holder to ascertain whether it is possible to downgrade, declassify or unmark the information.

3.2. Transmission of RESTREINT EU/EU RESTRICTED or equivalent information to the CIU Archives

- (9) Information classified as RESTREINT EU/EU RESTRICTED or equivalent shall be transmitted to the CIU six months after it was last consulted and, at the latest, one year after it was deposited with a parliamentary body/office holder or service. It shall be stored in the CIU Secure Reading Room, before being transferred to the Secure Archive. Handling instructions Nos 3, 4 and 5 shall apply.
- (10) When a parliamentary body/office holder or service transmits to CIU for archiving purposes, documents containing information classified as RESTREINT UE/EU RESTRICTED or equivalent, the supporting document shall be:
 - checked to ensure it bears the correct security classification. Not only classified information itself but also the filename and storage device (if external, such as CD-ROMs or USB sticks) shall bear the RESTREINT EU/EU RESTRICTED security classification;
 - verified whether it had been duly registered by the originator⁴;
 - transmitted together with the data that concern the classified information, as required by handling instruction No 3 ;
 - transmitted together with the data that concern the original file, and, especially, the specification of the file and the filing plan code;

³ See notably Articles 24 to 26 of the Decision of the Secretary-General of 25 October 2013 on document management.

⁴ 'Originator' means the duly authorised author of confidential information (see Article 2(0) of the Bureau Decision).

- transmitted together with the cover note/letter, annexes, deposit slip, distribution list and other components of the classified information, even if not all of them are classified.
- (11) Information classified as **RESTREINT EU/EU RESTRICTED** transmitted from the parliamentary body/office holder or service to the CIU for archiving purposes shall be registered by the CIU.
- (12) Where **RESTREINT EU/EU RESTRICTED** components or documents belonging to a more extensive file can be easily detached from the rest of the file, then only the confidential components/documents shall be transmitted to the CIU.
- (13) The deposit with the CIU shall be confirmed by an acknowledgement of receipt/ deposit slip signed by the head of the depositing parliamentary body/office holder or service and by an authorised official of the CIU (the form of the receipt is annexed to handling instruction No 3).

3.3. Transfer of "other confidential information" to the historical archives of the European Parliament

- (14) When transmitted to the historical archives, documents containing "other confidential information" shall be:
- verified whether they had duly been registered by the originator;
 - transmitted together with the whole file and the data that concern the confidential information, as required by handling instruction No 3 ;
 - transmitted together with the cover note/letter, annexes, deposit slip, distribution list and other components of the confidential information, even if not all of them are confidential.
- (15) The depositing service shall inform the historical archives whether the document contains information which may be covered by the exception relating to privacy and the integrity of the individual, and that relating to the commercial interests of a natural or legal person, including intellectual property.⁵
- (16) Every transmission shall respect the relevant provisions of handling instructions Nos 3, 4 and 5.

3.4. Secure archive and the catalogue

- (17) Transmission of classified information definitively deposited with the CIU to the Secure Archive shall always be recorded in a logbook. For information classified as **CONFIDENTIEL UE/EU CONFIDENTIAL** and above or

⁵ Article 24 (3) of the Decision of the Secretary General of 25 October 2013 on document management.

equivalent, its physical location within the Secure Archive shall be noted in the CIU register.

- (18) The Secure Archive is organised according to the relevant classification level and in line with the CIU archiving rules.
- (19) The CIU shall keep a catalogue of its archive for information classified as RESTREINT UE/EU RESTRICTED or equivalent. The purpose of this catalogue is to provide an exhaustive list of information of this level of confidentiality deposited with the CIU for archiving purposes. The CIU shall ensure that the catalogue provides an easy link between this catalogue and the CIU register, especially via the corresponding registration numbers.
- (20) The catalogue shall take the form of an accredited electronic database. While the Communication Information System (CIS) is not in place, the catalogue may be managed in a stand-alone computer and stored in compliance with handling instruction No 5. Information classified as CONFIDENTIEL UE/EU CONFIDENTIAL and above or equivalent shall not be entered in the catalogue.
- (21) The catalogue shall contain at least the following data:
 - Title;
 - classification/markings;
 - date of the information;
 - date of deposit with the CIU;
 - responsible service;
 - registration number (attributed by the CIU upon reception or creation of the information);
 - reference number;
 - filing plan code (once a common filing plan is adopted by the EP);
 - identification of the original file (based on information provided by the responsible parliamentary body/office holder or service);
 - identification of the archiving location within the CIU;
 - date of transmission of the declassified information to the EP historical archives or to the parliamentary body/office holder or service.

3.5. Transitional provisions

- (22) In the event that the originator cannot be established or traced, confidential information in the sense of Article 16(1) of the Bureau Decision may be marked by its holder with a standard marking as defined in handling instruction No 1.
- (23) For documents in the historical archives containing confidential information, in accordance with Article 16(1) of the Bureau Decision, the holder may take a decision on whether to mark a document, as defined in handling instruction No 1, or not. If the holder encounters difficulties in taking such a decision, he/she shall make a proposal to the Security Authority. The CIU may be consulted.