

PRESS RELEASE

The CNMC publishes its guidelines on confidentiality claims for competition procedures

- It is providing guidelines to companies and other stakeholders when submitting confidentiality claims to the CNMC
- It considers the most common cases under the CNMC's assessment and judgments on the matter.
- It provides more legal certainty to applicants and will reduce the workload for companies and for administrations

Madrid, 4 June 2020 - The CNMC has launched its “Guide to Processing Confidential Information and Personal Data Involved in Processes of the Anti-Trust Law 15/2007” [[Guía sobre el tratamiento de la información confidencial y los datos personales en procedimientos de defensa de la competencia de la ley 15/2007](#)]. These are guidelines to orient companies (and other stakeholders) when they ask the CNMC to have certain data or documents provided by them as part of anti-trust processes declared confidential.

[Law 15/2007 of 3 July, the Anti-Trust Law](#), provides for this possibility. In fact, in recent years, numerous CNMC rulings (and of the CNMC's predecessors, the CNC and TDC) and judgments of Spain's National Court and Supreme Court have dealt with aspects of the confidentiality of data and documents in anti-trust cases.

This newly-published guidelines take into account the legal doctrine and precedence established in recent years. The paper also reviews the most relevant substantive and procedural aspects of confidentiality claims regarding antitrust cases and merger procedures.

Among other aspects, the document specifies the method and the timeline for accessing files during the various procedures. It also recalls that it is the CNMC's responsibility to decide which aspects are confidential, after weighing the interests on a case-by-case basis.

The guidelines also include specifics on how personal data is processed when it involves client-lawyer procedures and communications that might be subject to confidentiality.

Finally, it compiles the most relevant aspects of the procedures regarding confidentiality claims and rulings in cases handled by the CNMC.

[“Guía sobre el tratamiento de la información confidencial y los datos personales en procedimientos de defensa de la competencia de la ley 15/2007” \(Spanish Version\)](#)