

PRESS RELEASE

CCBE publishes recommendations on the protection of client confidentiality within the context of surveillance activities 23/05/2016

On 20 May 2016, at its Plenary Session in Lyon, the CCBE published its recommendations on the protection of client confidentiality within the context of surveillance activities. These recommendations aim not only to protect and ensure **the fundamental principles** of professional secrecy and legal professional privilege, but more importantly to **protect citizens' rights and the rule of law**.

Client confidentiality is a **core component** of the legal profession, as highlighted in the CCBE Code of Conduct, which says that **"the lawyer's obligation of confidentiality serves the interest of the administration of justice as well as the interest of the client. It is therefore entitled to special protection by the State."**

The purpose of this paper is therefore to inform legislators and policy makers about the **standards** that must be upheld in order to ensure that professional secrecy and legal professional privilege **are not undermined** by **surveillance practices** undertaken by the state.

The document highlights the importance of client confidentiality and the **key legislation** which serves to protect it. It also sets out the **main conditions** to ensure respect for this principle such as the need for legislative control, judicial and independent oversight, and the legal remedies and sanctions which are available when client confidentiality is breached.

CCBE President Michel Benichou welcomed this publication stating that **"the CCBE has long been an opponent of surveillance of lawyer-client communications, and has been calling for the EU to establish legal protection from government surveillance for client confidentiality. Over the past year, the CCBE has successfully intervened in cases where client confidentiality had been breached by surveillance activities. These recommendations are another step in the right direction to ensure that this essential**

principle and the rule of law are protected at the highest level."

The full document can be found [here](#).

About the CCBE

The CCBE represents the bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers.

Founded in 1960, the CCBE is recognised as the voice of the European legal profession by the EU institutions, and acts as the liaison between the EU and Europe's national bars and law societies. The CCBE has regular institutional contacts with those European Commission officials, and members and staff of the European Parliament, who deal with issues affecting the legal profession. The CCBE is an international non-profit-making association incorporated in Belgium.

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