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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2014-623

**Nielsen**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 196 (2014)**

1. On 25 June 2014, Ms. Olga Nielsen filed an appeal against Summary Judgment No. UNDT/2014/061 and Order No. 63 (GVA/2014), rendered by the United Nations Dispute Tribunal in Geneva on 13 June 2014 and 7 May 2014, respectively. She attached twenty annexes to her appeal brief.

2. On 14 July 2014, Ms. Nielsen filed a “motion for confidentiality”, in which she sought leave to keep four annexes (Annexes 9 to 13) confidential, i.e., accessible only to the United Nations Appeals Tribunal, but not to others so as to “keep the personal data protected”. She explained that Annex 9 contained personal information of a few staff members of the Procurement Service Branch (PSB) of the United Nations Population Fund (UNFPA), where she worked until 26 January 2014 as a Procurement Assistant. She claimed that those PSB colleagues “were hired by PSB managers without following the recruitment requirements for mandatory work experience”, and that she would possibly be subject to their “revenge” if they found out that she had named them in her appeal. According to Ms. Nielsen, Annexes 10 to 13 were her requests for management evaluation of “the actions of 4 PSB managers toward [her]”.

3. On 8 August 2014, the Secretary-General filed his comments opposing Ms. Nielsen’s motion for confidentiality. In his view, no purpose would be served by keeping Annex 9 from the Respondent as the personal information of the PSB staff was already known to UNFPA and her fear of retaliation was unfounded as Annex 9 being a confidential

document would not be made available to the public. Similarly, Annexes 10 to 13 should not be kept from the Respondent, as “[he] has already received [Ms. Nielsen’s] requests for management evaluation when she filed them”.

4. I have reviewed Ms. Nielsen’s appeal and Annexes 9 to 13. I note that Annex 9 contains the profiles of two named PSB staff members that Ms. Nielsen “found in LinkedIn” as “just random examples”, and Annexes 10 to 13 are her four requests for management evaluation submitted separately on three different days. I share the view of the Secretary-General that no purpose would be served by keeping these annexes from the Respondent. The motion for confidentiality should therefore be rejected.

5. However, if Ms. Nielsen does not wish to include any information and documents that she is not willing to show to the opposing party, I grant her the opportunity to file a motion for leave to amend her appeal together with the amended appeal within 10 working days from the receipt of this Order. If it does not hear from Ms. Nielsen within 10 working days, the Registry is instructed to transmit Ms. Nielsen’s appeal with the whole 20 annexes to the Respondent for an answer, if any.

Original and Authoritative Version: English

Dated this 22<sup>nd</sup> day of August 2014 in  
London, United Kingdom

Entered in the Register on this 22<sup>nd</sup> day of  
August 2014 in New York, United States.

*(Signed)*  
Judge Richard Lussick, President

*(Signed)*  
Weicheng Lin, Registrar