



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

The Director-General

Brussels,
CNECT.R.4.001/RV

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Advance copy via email:
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Registered letter with acknowledgement of receipt

Subject: Your application for access to documents - GestDem 2022/1117

Dear Madam,

We refer to your email dated 23 February 2022 wherein you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter 'Regulation 1049/2001'), registered under the abovementioned reference number. We also refer to our email, dated 16 March 2022, our reference Ares(2022)1922206, whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

Your application reads as follows:

'[...]Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

All declarations of independence (DOI) submitted by Type A members of the High-Level Expert Group on the Impact of the Digital Transformation on EU Labour Markets (E03606).

I am aware that the expert group in question is closed, but according to the Data Protection Officer, the '[t]he declarations of interest are however kept by the Commission service managing the expert group for five years after the group is closed. '[...]' ''.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

We identified declarations of all Type A Members of the High Level Expert Group, with the exception of its chair:

- 1) Declaration of Interests form for Gary Shaughnessy
- 2) Declaration of Interests form for Karl McFaul
- 3) Declaration of Interests form for Katarina Curkovic
- 4) Declaration of Interests form for Lucia Velasco
- 5) Declaration of Interests form for Maria Savona
- 6) Declaration of Interests form for Morten Binder
- 7) Declaration of Interests form for Solveigh Hieronimus
- 8) Declaration of Interests form for Vassil Nikolaev Kirov
- 9) Declaration of Interests form for Vili Lehdonvirta

Please note also that information about the Members of this High Level Expert Group is publicly available online via the following link:

<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3606&news=1&Lang=en>

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001, we regret to inform you that access to the identified documents cannot be granted. Their disclosure is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since they contain the following personal data:

- handwritten signatures, CV details and information about the activity and interests of natural persons.

In this context, we would like to inform you that the earlier publication of the Declarations of Interests in the Register of Commission Expert Groups was limited and only allowed for the period of the appointment and until the Group was closed.

Article 9(1)(b) of the Data Protection Regulation¹ does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) Regulation 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

We have considered whether partial access could be granted to these documents. However, partial access is not possible considering that the documents concerned are covered in their entirety by the abovementioned exception of Article 4 of Regulation 1049/2001.

4. CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Roberto Viola

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.