



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 19 JAN. 2016

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-2463-
42eaf8c2@asktheeu.org

Subject: Your application for access to documents – Ref /GestDem No 2015/6581

Dear Ms Cann,

I refer to your e-mail dated 14 December 2015 and registered on 15 December 2015 by which you make a request for access to documents under the above mentioned reference number, further to a previous request with reference GestDem No 2015/3644.

Your application concerns *"all documents which relate to any Staff Regulations applications made by Yves Madre to work for Farm Europe"*. In particular, you request *"copies of any application(s) that he has made to undertake a new professional activity at Farm Europe; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of this new role"*.

I have examined your request under the provisions of 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.

The documents identified are one application form submitted by Mr Madre in the framework of Article 16 of the Staff Regulations and the related decision from the Appointing Authority. I have also identified e-mail exchanges which took place between 1 September 2015 and 16 October 2015 within Commission services or between Commission services and Mr Madre, pertaining to the underlying internal procedures concerning this request for authorisation.

The document you requested contain personal data relating to the past and present occupational activities of Mr Madre. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 applies.

As for the e-mail exchanges between the Commission services and Mr Madre, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 applies. In addition, in the absence of an overriding public interest, the exception to the right of access cannot be waived.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) N° 1049/2001, I have concluded that this would equally undermine the protection of personal data.

Against this background, I can nevertheless provide you with the following general information on the process to which your request relates.

Mr Madre submitted a declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), dated 24 August 2015 and registered on 1 September 2015, relating to the authorisation to engage in a remunerated occupational activity as a contributor to the think tank Farm Europe. Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval on 16 October 2015 to carry out this activity as it did not lead to a conflict with the legitimate interests of the Institution.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,



Irene SOUKA

¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data