



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

The Director-General

Brussels,  
DG CONNECT/RM/KE/AS/pef

Mr. Ntetsikas

Email: [ask+request-597-  
50904445@asktheeu.org](mailto:ask+request-597-50904445@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem No 2013/3375 under Regulation 1049/2011 regarding public access to European Parliament, Council and Commission documents – partial reply**

Dear Sir,

We refer to your email dated 26 June 2013 wherein you make a request for access to documents, registered by us with the above-mentioned reference number.

We refer furthermore to our letter of 5 July 2013 wherein you have been proposed that your application is handled in several successive stages and to your reply of 6 July 2013, accepting the Commission's proposal, wherein you have indicated the priority order for disclosure of the documents subject of your request for access to documents.

The current reply covers the following requests:

**2. All different versions of the DG CONNECT (former INFOS) Internal Audit Manuals, from 1/1/2007 onwards.**

Please be informed that we have identified the document(s) corresponding to your request. You will find enclosed the document(s) requested. (**Annex 1**)

However, please note that only partial access can be granted to these documents. The erased parts in the documents provided fall within one or more of the exceptions laid down in Article 4 of Regulation 1049/2001.

Article 4(2), third indent, of Regulation 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: (...) the purpose of inspections, investigations and audits."

Pursuant to Article 4(3) "*access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.*"

The requested manuals form part of the overall training and instruction process for auditors in this audit field. They contain general standards and procedures and practical advice. However, the documents also contain many addresses guiding to internal web links and hard drive locations, internal passwords and information on on-going internal audits as well as details on external audit issues. The disclosure of such data will undermine both the decision-making process of the institution and the protection of on-going audits.

We have examined to which extent the exceptions laid down in Article 4(2) and Article 4(3) of Regulation 1049/2001 may be waived in case of an overriding public interest in full disclosure. Such an interest must firstly be a public interest and secondly outweigh the harm caused by the disclosure.

Having analysed your request and we have not found any elements which could justify the existence of an overriding public interest in the sense of the Regulation, which would outweigh the exceptions stipulated in Article 4(2) and Article 4(3) mentioned above.

We consider that the prevailing interest in this case is to protect the purpose of the on-going and future audits as well as the decision-making process of the institution.

Therefore, we have concluded that only partial access to the aforementioned document(s) can be granted.

Please note that in accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review the position above.

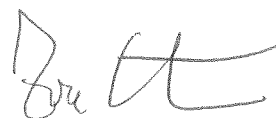
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency Unit SG-B-5  
BERL 5/327  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

For the Director General absent  
Z. STANCIC  
Deputy Director General



Robert Madelin