



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs
The Director

Brussels
SG.D.1/TKV

Naomi Hirst
Global Witness
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By email: ask+request-10573-5262e6e5@asktheeu.org

Dear Ms Hirst,

Subject: Your application for access to documents – GESTDEM 2022/0469

We refer to your e-mail of 20 January 2022 in which you make a request for access to documents, registered on 20 January 2022 under the above-mentioned reference number.

You request access to ‘*all documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 2021-12-06 between Věra Jourová and Facebook Ireland Limited*’.

Your application concerns the following document/documents:

- *Ares(2021)7577263 – Flash report: Meeting between Ms Jourova and Meta Platforms/Facebook, 06/12/2021, (hereafter ‘document 1’);*
- *Briefing for Vice President Věra Jourová: Meeting with Meta Platforms¹, (hereafter ‘document 2’).*

The full disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain personal data.

Article 9(1)(b) of the Data Protection Regulation 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

¹ Meta Report originally attached to briefing can be found here: <https://about.fb.com/wp-content/uploads/2021/12/November-2021-CIB-Report.pdf>

express any particular interest to have access to these personal data nor put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, pursuant to Article 4(1)(b) of Regulation (EC) No 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.

Moreover, having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that document 2 may be partially disclosed. Some parts of document 2 have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1) third indent, and Article 4(2) third indent, and Article 4(3) first subparagraph of this regulation.

The redacted parts of document 2 relate to ongoing litigation (T-709/21), ongoing national investigations, on-going international negotiations, and protection of the decision-making process.

Disclosure of these parts would interfere with the task of data protection authorities to independently and effectively investigate and enforce compliance with the General Data Protection Regulation, as it would expose those authorities to the risk of coming under outside pressures. It could also put at risk the mutual trust between the parties of the negotiations and ongoing cooperation with other institutions. It may have a serious adverse effect on ongoing talks as well as future cooperation.

The exception laid down in Article 4(2), third indent of Regulation 1049/2001 must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure. In your request, you do not put forward any reasoning pointing to an overriding public interest in disclosing the document requested. Nor have we been able to identify any public interest capable of overriding the public and private interests protected by Article 4(2), third indent, and Article 4(3), second subparagraph, of Regulation 1049/2001.

Furthermore, the disclosure of the redacted parts would undermine the protection of the decision-making process of the Commission in relation to political advertising, as it would reveal preliminary views and policy options which are currently under consideration. The Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to this document.

Please also note that document 1 was drawn up for internal use under the responsibility of the Cabinet of Vice President Věra Jourová. It solely reflects the Cabinet's interpretation of the interventions made and does not set out any official position of the third party to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels,
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Elisabeth WERNER
(acting) Director

Enclosure: Disclosed documents