Subject: Your application for access to documents – GESTDEM 2022/0485

Dear Mr Le Louarn,

We refer to your e-mail of 21 January 2022, registered on the same day, in which you make a request for access to documents under the above-mentioned reference number, to your e-mail of 31 January 2022 clarifying your request, and to your e-mail of 10 February 2022 replying to our fair solution proposal.

Your initial access concerns access to:

“1. Letters, email and documents sent by external actors (companies, business associations, chambers of commerce, etc.) to Commissioner Breton and his cabinet in relation with the sustainable corporate governance and the corporate due diligence legislative process.

2. Minutes and notes from meetings (including phone call and videoconferences) held between Commissioner Breton, his cabinet and external actors (companies, business associations, chambers of commerce, etc.) in relation with the sustainable corporate governance and the corporate due diligence legislative process.”

With the following clarification:

“I would like to access the documents described dating from 21st of May 2021 until today.”
Following your response to our fair solution proposal, we have agreed to your suggested restrictions of scope as follow:

“I would like to restrict those documents to contacts with business associations (BusinessEurope, DigitalEurope, etc.) and corporate representatives (either directly representing a company or public affair consultancies). You can exclude entities that do not represent corporate interests. I would like to focus on the period between 01 September 2021 until now.”

We have identified the 17 enclosed documents that fall within the scope of your request and presented in the enclosed table.

With regards to documents 1 to 5, 7 to 12, 14 and 15, a complete disclosure 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 the following data:

- the names INITIALS and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- other information relating to identified or identifiable natural persons.

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 express any particular interest to have access to these personal data nor do you put forward 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) 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.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from their reuse.
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

Kerstin Jorna
Director-General

Enclosure: 18