



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR RESEARCH AND INNOVATION

The Director-General

Brussels,  
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***By registered letter with acknowledgment of receipt***

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***Advanced copy by email:***

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**Subject: Your request for access to documents – GestDem 2022/1677**

Dear Ms Rosén Fondahn,

We refer to your application of 22 March 2022 in which you submitted a request for access to documents within the framework of Regulation 1049/2001<sup>1</sup>, registered on 23 March under the reference mentioned in Subject.

In your application you requested “*documents which contain the following information: All declarations of independence (DOI) submitted by Type A members of the:*

- *Expert Group on Venture Philanthropy and Social Investments (E03495)*
- *Commission expert group: Mission Board for climate-neutral and smart cities (E03667)*
- *Horizon 2020 Commission Expert Group to advise on specific ethical issues raised by driverless mobility (E03659)*
- *Horizon 2020 Expert Group for the mid-term review of the Contractual Public-Private Partnerships (cPPPs) (E03538)*
- *European Innovation Council (EIC) High Level Expert Group (E03465)”*

In our message Ares(2022)2246963 of 28 March we have informed you that the European Innovation Council and SMEs Executive Agency will handle, as responsible service, the part of your request referring to two expert groups, namely the group on

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<sup>1</sup> 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 ([OJ L 145, 31.5.2001, p. 43](#)).

Venture Philanthropy and Social Investments (E03495); and the EIC High Level Expert Group (E03465).

Consequently, our reply pertains to three expert groups, for which we identified the following requested documents:

- Mission Board for climate-neutral and smart cities (E03667) – 11 declarations of interests;
- H2020 group to advise on specific ethical issues raised by driverless mobility (E03659) – 14 declarations; and
- H2020 group for the mid-term review of the cPPPs (E03538) – 9 DoIs.

#### **1. EXAMINATION UNDER REGULATION 1049/2001**

We regret to inform you that no access can be granted to the requested documents, as their content must be protected in accordance with the exception provided by Article 4(1)(b) of Regulation (EC) No 1049/2001, as explained below:

#### **Protection of the privacy and the integrity of the individual, in particular in accordance with the EU legislation regarding the protection of personal data**

The requested documents contain only personal data (names, handwritten signatures and other relevant information) of the members appointed in a personal capacity of three closed expert groups.

The group and some types of personal data of its members are published on the Register of Commission Expert Groups during the duration of existence of the group. When a group is closed down, it remains published in the Register for 5 years, with the indication 'Closed'. Those types of personal data other than the declarations of interests that were published while the group was active remain visible on the Register during these 5 years. On the contrary, the said declarations of interests are removed from the Register after closure of a group and are therefore not public anymore.

In other words, when a group published on the Register is closed down, the personal data valid at the time of closure remains published in the Register for 5 years, with the exception of declarations of interest which are not published after the group is closed.

Article 9(1)(b) of the EU Data Protection Regulation<sup>2</sup> does not allow the transmission of 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 subjects might be prejudiced.

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<sup>2</sup> 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.

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 Art 4(1)(b) of Regulation 1049/2001, access cannot be granted to the requested documents, containing exclusively personal data, 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 concerned experts would not be prejudiced by the public disclosure of their personal data.

## **2. MEANS OF REDRESS**

In accordance with Art 7(2) of Regulation 1049/2001, should you wish the Commission to review this position, you are entitled to make a confirmatory application within 15 working days upon receipt of this letter to the Secretariat-General, at the following address:

**European Commission**  
**Secretariat-General**  
**Unit SG.C.1 – Transparency, document management & access to documents**  
**BERL 07/076**  
**1049 Brussels**  
**Belgium**

or by email to:

[sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Jean-Eric Paquet