



EUROPEAN INNOVATION COUNCIL AND SMES
EXECUTIVE AGENCY (EISMEA)

European Innovation Council (EIC)
Head of Department

Brussels, 20/04/2022
eisma.e.dir(2022)3230401

By registered letter with acknowledgment of receipt

Ms Greta Rosén Fondahn
Cava de San Miguel 8, 4º c,
28005 Madrid (ES)

Advanced copy by-email : ask+request-10869-0636212c@asktheeu.org

Subject: Your application for access to documents – Ref. Ares(2022)2266258

Dear Ms Rosén Fondahn,

We refer to your request of 22 March 2022, which was forwarded to the European Innovation Council and SMEs Executive Agency (EISMEA) on 28 March 2022 and was registered on the same day under the above mentioned reference number.

1. SCOPE OF YOUR REQUEST

You request access to:

- “All declarations of independence (DOI) submitted by Type A members of the: [...]
- Expert Group on Venture Philanthropy and Social Investments (E03495) [...]
- European Innovation Council (EIC) High Level Expert Group (E03465)”.

Your application concerns the following documents:

In relation to Expert Group on Venture Philanthropy and Social Investments (E03495) we have identified 10 declarations of interests.

In relation to the European Innovation Council (EIC) High Level Expert Group (E03465) we have identified 17 declarations of interests.

2. EXAMINATION UNDER REGULATION (EC) No 1049/2001

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents¹, I regret to inform you that your application cannot be granted, as disclosure is prevented by the exception concerning the

¹ 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 145/43 of 31.5.2001).

protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain only personal data of the members appointed in a personal capacity of the two closed Commission Expert Groups:

- the names/initials of natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person (functions, activities, employers)

The groups and some types of personal data of its members are published on the Register of Commission Expert Groups during the existence of the group. After closure the group still remains published in the Register for 5 years, marked as 'closed'. The personal data other than the declarations of interests which were published while the group was active remain visible on the Register during those 5 years. But the declarations of interests are removed from the Register after closure of the group and are therefore not public anymore.

This means that after closure of a group published on the Register of Commission Expert Groups, only 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 Data Protection Regulation (EU) No 2018/1725² 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 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 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.

In accordance with Article 4(6) of Regulation No 1049/2001, we have considered the possibility of granting partial access to the documents requested. However, for the reasons explained above, no meaningful partial access is possible without undermining the interests described above.

3. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Director of EISMEA to review this position.

² [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 295/39 of 21.11.2018).

Such a confirmatory application should be addressed within **15 working days upon receipt of this letter** to the Director of EISMEA at the following address:

European Innovation Council and SMEs Executive Agency (EISMEA)
To the attention of Mr Jean-David Malo, Director
COV2 12/129
B-1049 Brussels

or by email to: EISMEA-LEGAL-ADVICE@ec.europa.eu

We kindly ask you to acknowledge receipt of this advanced copy by sending us an email to EISMEA-LEGAL-ADVICE@ec.europa.eu

Yours sincerely,

(e-signed)
Stephane OUAKI