



EUROPEAN COMMISSION

LEGAL SERVICE
The Director-General

Brussels, 5 July 2022

By email

Mr Conall Gallagher
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Subject: Request for access to documents

Ref.: Your request of 3 June 2022 registered under reference: GestDem 2022/3229

Dear Mr Gallagher,

I refer to your above-referenced request, under Regulation (EC) No 1049/2001 regarding public access to documents¹. Your request concerns the written observations of the relevant Governments submitted in Case C-623/17, *Privacy International*² and Case C-511/18, *La Quadrature du Net*³.

1. IDENTIFICATION OF THE DOCUMENTS

As specified in email of 13 June 2022⁴, the written observations of the following parties have been identified as matching the terms of your request:

Case C-623/17

1. Belgian Government;
2. Czech Government;
3. Estonian Government;
4. German Government;
5. Latvian Government;
6. Norwegian Government;

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, 31.05.2001, page 43).
² Judgment of the Court of Justice of 6 October 2020, Case C-623/17, *Privacy International v Secretary of State for Foreign and Commonwealth Affairs and Others*, ECLI:EU:C:2020:790.
³ Judgment of the Court of Justice of 6 October 2020, Joined Cases C-511/18, C-512/18 and C-520/18, *La Quadrature du Net and Others v Premier ministre and Others*, ECLI:EU:C:2020:791.
⁴ Ares(2022)4344264.

7. Polish Government;
8. Portuguese Government;
9. Swedish Government;
10. The Netherlands Government;
11. United Kingdom Government;

Case C-511/18

12. Irish Government;
13. United Kingdom Government.

2. DISCLOSURE OF THE WRITTEN OBSERVATIONS SUBMITTED IN CASE C-623/17 (DOCUMENTS 1 TO 11)

As mentioned in our email correspondence of 16 June 2022⁵, following a previous request for access, the written observations of the above-stated Governments (documents 1 to 11) have already been disclosed, with the exception of some personal data mentioned in documents 6 and 11, as will be explained below.

Accordingly, please find attached the redacted originals of documents 6 and 11 in English, as well as the English translation of documents 1 to 5 and 7 to 10, made by the services of the Court of Justice⁶.

3. ASSESSMENT OF THE WRITTEN OBSERVATIONS SUBMITTED IN CASE C-511/18 (DOCUMENTS 12 AND 13)

As far as the written observations of the Irish and United Kingdom Governments are concerned, the Commission has consulted the authors of the respective documents on their disclosure, in accordance with Article 4(4) of Regulation (EC) No 1049/2001.

Following these consultations, I would like to inform you that:

- the Irish Government (document 12) has agreed to the disclosure of its written observations;
- the United Kingdom Government (document 13) has agreed to the disclosure of its written observations.

Accordingly, please find attached the original of document 12 and the redacted original of document 13 both in English. Please note that some personal data has been deleted, in accordance with Article 4 (1)(b) of Regulation (EC) No 1049/2001, as will be explained below.

4. RE-USE OF DOCUMENTS

The disclosed documents were transmitted by the Court of Justice to the Commission in its capacity as participant in the court proceedings. Access to them is granted for information only and they cannot be re-used without the agreement of the originators, who hold the copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

⁵ Ares(2022)4451354.

⁶ The original documents being in Dutch, Czech, Estonian, German, Latvian, Polish, Portuguese and Swedish, respectively.

5. PROTECTION OF PERSONAL DATA

As stated in points 2 and 3, some personal data has been redacted in the documents disclosed since covered by the exception provided for in Article 4 (1)(b) of Regulation (EC) No 1049/2001, in accordance with the European Union legislation regarding the protection of personal data and the Court's case-law, in particular judgments in Case C-28/08P, Case C-434/16, Case T-39/17 and Joined Cases C-465/00, C-138/01 and C-139/01.

The redacted information consists of:

- the phone numbers and handwritten signatures of the agents representing the Norwegian Government (first and last page of document 6);
- the name and handwritten signature of the Court's official (first page of document 6);
- the handwritten signature of the agent representing the United Kingdom Government (last page of documents 11 and 13).

In the present case, it has not been established that it is necessary to have those data transmitted for any specific purpose in the public interest (Article 9(1)(b) of the Data Protection Regulation, i.e. Regulation (EU) No 2018/1725⁷). Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

6. MEANS OF REDRESS

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretariat-General at the address below:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

[signed electronically]

Daniel CALLEJA-CRESPO

Attachments: 13

⁷ 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 205 of 21.11.2018, page 39).