

**From:** [REDACTED]  
**Sent:** 22 April 2014 17:14  
**To:** [REDACTED]  
**Cc:** SG ACCES DOCUMENTS  
**Subject:** RE: FW: Access to Documents request

Dear [REDACTED],

As I tried to explain to you this is not a matter of data protection but a matter of proper notification of the access-to-document decision by the Commission.

It goes without saying that you data will be handled in line with the applicable rules on data protection.

In the absence of an operational system of electronic notification the European Commission has decided to notify decisions on access-to-documents by registered mail.

Yours sincerely,



**European Commission**  
Secretariat-General  
Unit B4: Transparency

[REDACTED]  
[REDACTED]  
B-1049 Brussels  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, April 22, 2014 5:07 PM  
**To:** [REDACTED] (SG)  
**Subject:** Re: FW: Access to Documents request

Dear [REDACTED]

I have explained the DP situation as clearly as I can. Before I refer this to the Ombudsman, would you like to consult your Data Protection Officer?

You have not demonstrated at all why you "need" to send a registered postal mail

kind regards

[REDACTED]

On 22/04/14 16:54, [REDACTED] wrote:

Dear [REDACTED],

Unfortunately the European Commission does not operate a system of electronic notification or signature.  
There is therefore clearly the functional need to notify by registered (ordinary) mail.

Yours sincerely,



**European Commission**  
Secretariat-General  
Unit B4: Transparency

[REDACTED]  
[REDACTED]  
B-1049 Brussels  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, April 22, 2014 4:10 PM  
**To:** [REDACTED] (SG)  
**Subject:** Re: FW: Access to Documents request

Dear [REDACTED]

thank you for your reply

As you may be aware, I am an expert in information policy, and the questions I ask raise important points of law and policy w.r.t to Access to Documents (and possibly 45/2001), therefore I would be grateful for a full and official response. My questions were posed with care, and I do not think my points have been answered

In particular, an email reply and acknowledgement of receipt by the applicant would have no less legal validity in a Court of law than a hand-written signature in all but extremely unlikely circumstances (and perhaps you could give an example). Under the EU Electronic Signature Directive, affixing my name in the signature line of an

ordinary email is a form of electronic signature (albeit neither Qualified nor Advanced), and cannot be denied legal validity purely because it is electronic (although the weight accorded in case of dispute will depend on the circumstances and such technical considerations)

The Commission's policy of sending decisions via registered mail is not necessary for the purpose of fulfilment of the access requests electronically. Disclosing a private address to a central office of the Commission engages significant privacy interests, risks of mistakes and unauthorised disclosure, and uncertainties about the finality of purpose of the data. The Commission would have to demonstrate that such a blanket policy was effective and proportionate to eligible liabilities and risks occurring in cases where there is no functional need for the postal address. This seems unlikely.

kind regards



P.S. it might be useful to pass on that there appears to be a compatibility bug in Commission email systems interoperability with Thunderbird|Liinux (a very common FOSS client), so that just by hitting reply, the program believes (some malformed HTML metadata?) is an attachment, and never returns from a loop trying to find the attachment. When I truncate the original text appended in the reply (as just here) it sends normally. I will also report this bug to the relevant DG.