



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Director-General

Brussels, **17 AVR. 2015**

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-1843-
fa9496b6@asktheeu.org

Subject: Your application for access to documents – Ref /GestDem N° 2015/1581

Dear Ms Cann,

I refer to your e-mail dated 13 March 2015 and registered on 16 March 2015 by which you make a request for access to documents.

Your application concerns *"all documents which relate to any article 16 (staff regulations) applications made by Maria Tsoni, including to work for FTI Consulting. You request in particular a) all Maria Tsoni's job titles at the Commission including dates held; b) copies of any application(s) that Maria Tsoni has made under article 16 to undertake a new professional activity; c) all documents correspondence, emails, meeting notes etc.) related to the authorisation of the new role or roles"*.

I have examined your request under the provisions of Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

The documents identified are the application form submitted by Ms Tsoni in the framework of Article 16 of the Staff Regulations and the related decision response from the Appointing Authority, as well as e-mail exchanges within Commission services or between Commission services and Ms Tsoni pertaining to the underlying internal procedures concerning these requests for authorisation (covering a period from 16/02/2015 to 25/03/2015).

The documents you requested contain personal data relating to the past and present occupational activities of Ms Tsoni. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in her professional capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 applies. As for the e-mail exchanges between the Commission services and Ms Tsoni Article 4(3) paragraph 2 of Regulation No 1049/2001 also applies. While I have also considered the possibility of granting partial access, I have concluded that this would equally undermine the protection of personal data.

Against this background, I can nevertheless provide you with the following general information on the process to which your request relates.

Ms Tsoni submitted a Declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations) dated and registered on 16 February 2015. Her only request under this Article related to the authorisation to engage in a remunerated occupational activity for an indefinite period as a Senior Consultant at FTI Consulting, Strategic Communications.

Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval to carry out this activity, subject to certain conditions. During the first two years after leaving the service Ms Tsoni is not allowed to deal with any open cases (or possibly new cases linked to closed ones) on which she worked or had knowledge of in the framework of her work at DG Competition during her three last years of service.

Ms Tsoni was reminded of the specific staff obligations as laid down in Articles 16, 17 and 19 of the Staff Regulations, as well as in Article 19 of the Commission Decision on outside activities and assignments and Article 339 of the Treaty on the Functioning of the European Union.

I can also provide you with some information on the last post held by Ms Tsoni. From the 2011 to 2013 period which was assessed as regards any potential conflict of interest, she was an assistant case handler in DG Competition.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

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

¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Brussels

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

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Irene Souka', written in a cursive style.

Irene SOUKA