

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

Brussels, 29 APR. 2015

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-1844-0ec02071@asktheeu.org

Subject: Your application for access to documents – Ref /GestDem No 2015/1582

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 John Clancy, including his work for FTI Consulting."* You request in particular *"all John Clancy's job titles at the Commission including dates held; copies of any application(s) that John Clancy has made under article 16 to undertake a new professional activity; and 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 Mr Clancy in the framework of Article 16 of the Staff Regulations and the related decision response from the Appointing Authority. I have also identified e-mail exchanges within Commission services or between Commission services and Mr Clancy pertaining to the underlying internal procedures concerning these requests for authorisation (covering a period from 11/12/2014 to 06/03/2015).

The documents you requested contain personal data relating to the past and present occupational activities of Mr Clancy. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 apply. As for the e-mail exchanges between the Commission services and Mr Clancy, 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.

Mr Clancy submitted a Declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations) dated 15 January 2015 and registered on 16 January 2015. His only request under this Article related to the authorisation to engage in a remunerated occupational activity as an independent consultant at FTI Consulting.

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 6 months after leaving the service, Mr Clancy will not engage in any direct or indirect lobbying or advocacy activities related to DG TRADE's activities and he will refrain from any professional contacts with DG TRADE staff and the Cabinet of the Commissioner for TRADE. Due to Mr Clancy's knowledge of and direct involvement at both technical and political level in several recent high-profile trade defence investigations, he shall furthermore not advise or represent companies which have been or are involved in or targeted by these cases during the first 12 months after leaving the Commission. Should Mr Clancy during the first two years after leaving the service, have new activities or new clients, he remains bound by the obligation to notify the Commission, in particular HR services in DG TRADE, before engaging in such a concrete activity.

Mr Clancy 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 posts held by Mr Clancy. From February 2010 to October 2014 he was a Spokesperson for Trade and then from November 2014 to February 2015 he worked in the Information, Communication and Civil Society Unit of DG TRADE.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions in 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.

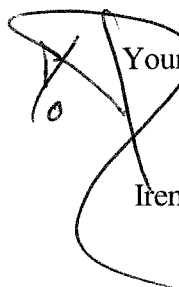
¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

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,
Irene SOUKA