



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Director-General

Brussels,
JUST/04/Ares(2017)

By registered mail with acknowledgement of receipt

Mr Arun Dohle
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Germany
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Subject: Your application for access to documents, reference GESTDEM 2016/6533

Dear Mr Dohle,

We refer to your e-mail of 19 November 2016 in which you make a request for access to documents, registered under the reference GESTDEM(2016)6533.

We have identified the following documents related to the contracts listed in your request and funded within the context of financial programmes of Directorate-General Justice and Consumers:

A) JUST/2007/DAP3/0119 - "Protecting children in child protection systems"

- application for EU funding and related documents,
- evaluation of the application and related documents,
- award of EU funding and related documents,
- correspondence related to the preparation of grant agreement ("budget review")
- grant agreement and its annexes,
- changes and other correspondence,
- progress report and final report,
- final report, request for final payment and related documents.

B) JUST/2008/FRAC/AG/1419 - "The Child right to a family: foster care under the lens"

- application for EU funding and related documents,
- evaluation of the application and related documents,
- award of EU funding and related documents,
- correspondence related to the preparation of grant agreement ("budget review")
- grant agreement and its annexes,

- changes and other correspondence,
- progress report and final report,
- final report, request for final payment and related documents.

C) JUST/2014/RDAP/AG/BULL/7625 – "BIC- Bullying in Institutional Care"

- application for EU funding and related documents,
- evaluation of the application and related documents,
- award of EU funding and related documents,
- correspondence related to the preparation of grant agreement ("budget review")
- grant agreement and its annexes,
- changes and other correspondence.

Insofar as projects **JUST/2007/DAP3/0119** and **JUST/2008/FRAC/AG/1419** are concerned, you were already granted partial access to the Commission's correspondence with Amici dei Bambini in response to your request for access to documents GESTDEM (2013)1160. Following a consultation of the third party that is the author of some of the identified documents (Amici dei Bambini) and a thorough examination of the aforesaid documents related to all three projects listed above, I have come to the conclusion that all the aforesaid documents may now be partly or fully disclosed and I enclose them with this letter. Some parts of the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 (1b) and (2) of this Regulation. The expunged parts of the documents contained the following information:

- The names and signatures of the members of the staff of the European Commission and Amici dei Bambini and other individuals mentioned in the documents covered by your request, as well as their personal telephone numbers and electronic contact details;
- CVs of the staff members of Amici dei Bambini or other persons involved in co-financed projects;
- The bank details of Amici dei Bambini
- Know-how developed by other third parties (subcontractors of Amici dei Bambini involved in some of the co-financed projects).

Disclosure of these parts of the documents would undermine the protection of the following interests:

I. Privacy and the integrity of the individual:

Please note that pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

¹ OJ L 8 of 12.1.2001, p. 1.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to make a confirmatory application requesting the Commission to review this position.

II. Commercial interests of a legal person, including intellectual property:

Publishing financial data (including bank details) of a legal person may harm the commercial interests of the said legal person. Publishing a bid made by a third party (involved as a subcontractor) may also harm the commercial interests of the said third party.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

Yours sincerely,



Tiina ASTOLA

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, OJ C 234 of 28.8.2010, p. 3.