



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Director-General

DG CONNECT/DVR/fa

Mr Ekaitz Cancela
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48902 Bilbao
Spain

By registered letter with acknowledgment of receipt

Advance copy by email:
ask+request-3990-d306482c@asktheeu.org

Dear Mr Cancela,

Subject: Your application for access to documents – Ref GestDem No 2017/947

We refer to your e-mail dated 15/02/2017 in which you make a request for access to documents, registered on 16/02/2017 under the above mentioned reference number, and to our reply sent by email on 9/03/2017, our reference Ares(2017)1248292.

A) With regard to the first part of your request *'the report of the intervention made by the European Commissioner for the Digital Single Market, Andrus Ansip, in the ECIPE Seminar "Unleashing the internal data flow in the EU" in the Hotel Silken Berlaymont on 30 November, 2016 at 3.00 PM'*, we informed you already in our reply of 9/03/2017 (Ares(2017)1248292) that no such report exists, as it was a speech delivered to a public forum, and the speech itself was made available to you.

In this regard I would like to further specify that, as laid down in Article 2(3) of Regulation (EC) No 1049/2001 ('Regulation 1049/2001'), the right of access as defined in that regulation applies only to documents that exist and are in the possession of the institution.

Given that no such documents have been identified, the Commission is not in a position to handle your request in this respect. 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 (please refer to point C at the end of this letter as regards the relevant details).

B) With regard to the second part of your request, i.e. *'minutes and other reports of the meetings of the European Commissioner for the Digital Single Market, Andrus Ansip, and other officials and representatives of his DG about the issue of data flows with private providers of digital services (including tech companies and tech industry groups, but also lobby consultancies, law firms and others working for tech industry clients or otherwise representing the tech industry) in the EU between January 1st 2012 and today'*, we have identified, in addition to the documents already provided to you in our reply

dated 9/03/2017, Ares(2017)1248292, the following further documents, as annexed to this letter:

1. Mission Report - DataCloud Europe Conference, Monaco, 3 June 2015 - *Ares(2017)1947829*
2. Report of Meeting: Deutsche Telekom and DG CONNECT.E2 on cloud computing on 5 June 2015 - *Ares(2015)3264143*
3. Mission report - Symposium of the Microsoft Cloud Computing Research Centre on the Cloud of Things, London, 26-27 October 2015 - *Ares(2017)1948025*
4. Report of Meeting: Akamai and DG CONNECT.E on 9 February 2016 - *Ares(2016)716548*
5. Report of Meeting: DDG, Claire Bury with Business Europe Digital Economy Taskforce on 17 February 2016 - *Ares(2017)1931185*
6. Report of Meeting: Cab. Oettinger, DIGITAL EUROPE and DG CONNECT.E2 on 18 February 2016 - *Ares(2016)1071479*
7. Report of Meeting: CCIA and DG CONNECT.E2 on 19 February 2016 - *Ares(2016)1071231*
8. Report of Meeting: Commissioner Oettinger with European Savings and Retail Banking Group on 29 February 2016 - *Ares(2017)1945919*
9. Report of Meeting: Information Technology Industry Council (ITIC) and Digital Europe and DG CONNECT.E2 on 7 April 2016 - *Ares(2016)2366822*
10. Report of Meeting: K. Gross, Cab. Oettinger & John Boswell, SAS on Free Flow of Data on 27 April 2016 - *Ares(2017)1932879*
11. Report of Meeting: EuroISPA and DG CONNECT.E2 on the free flow of data initiative and the principles of data ownership on 25 May 2016 - *Ares(2016)3148754*
12. Report of Meeting: K. Gross, Cab. Oettinger with the Executive Council of AmCham on 1 June 2016 - *Ares(2017)1945726*
13. Report of Meeting: GE GERMANY and DG CONNECT.E2 on 20 June 2016 - *Ares(2016)3885289*
14. Report of Meeting: DDG, Claire Bury with BSA on 21 June 2016 - *Ares(2017)1931770*
15. Mission Report - Euro-CIO Summit, Barcelona, 21 June 2016 - *Ares(2017)1948251*
16. Report of Meeting: DROPBOX and DG CONNECT.E2 on 28 June 2016 - *Ares(2016)4004640*
17. Report of Meeting: DDG, Claire Bury with TechUK on 12 July 2016 - *Ares(2017)1932363*
18. Report of Meeting: European Banking Federation (EBF) pool of experts and DG CONNECT.E2 on cloud on 18 July 2016 - *Ares(2017)947048*
19. Report of Meeting: DDG, Claire Bury with Mr Kirk Matthew, External Affairs Director, Vodafone on 7 September 2016 - *Ares(2017)1932473*
20. Report of Meeting: IBM and DG CONNECT.E2 on 11 October 2016 - *Ares(2016)6894754*
21. Report of Meeting: General Electric (GE) and DG CONNECT.E2 on 13 October 2016 - *Ares(2016)6894857*
22. Report of Meeting CCIA and DG CONNECT.E2 on 14 October 2016 - *Ares(2016)6016469*
23. Report of Meeting Red Hat and DG CONNECT.E2 on 17 January 2017 - *Ares(2017)267008*
24. Report of DG, Roberto Viola's attendance at EP Dinner event "Digitalisation of the European industry - Who owns the data?" on 23 January, Brussels - *Ares(2017)1946106*
25. Report of Meeting Akamai and DG CONNECT.E2 on Free Flow of Data and Cloud policy on 1 February 2017 - *Ares(2017)946687*

26. Report of Meeting: Workday and DG CONNECT.E2 on 2 February 2017 - *Ares(2017)946288*
27. Report of Meeting: CSC Finland and DG CONNECT.E2 on 15 February 2017 - *Ares(2017)942650*

Most of the above documents contain personal data. In accordance with Article 4(1)(b) of Regulation 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 Community 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 data ('Regulation 45/2001')¹.

When access is requested to documents containing personal data, Regulation 45/2001 becomes fully applicable².

According to Article 8(b) of Regulation 45/2001, 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/or 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, but with the personal data expunged.

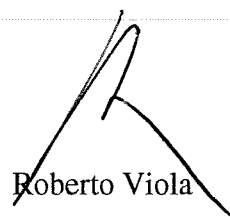
In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position. For the details in this regard, please refer to point C below.

C) A confirmatory application against the positions taken under points 1 and 2 above can be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency unit SG-B.4
BERL 5/282
1049 Bruxelles
BELGIUM

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

Yours sincerely,



Roberto Viola

¹ Official Journal L 8 of 12.1.2001, p. 1.

² Judgment of the Court of Justice of the EU of 29 June 2010 in case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.