



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Digital Society, Trust & Cybersecurity
Cybersecurity & Digital privacy

Brussels,
DG CONNECT/H1

**By registered letter with
acknowledgment of receipt**

Ms Vicky Cann
Rue d'Edimbourg 26
1050 Brussels
Belgium

Advanced copy by email:
ask+request-4347-c3b096e6@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/3148

Dear Madam,

I refer to your email dated 30/05/2017 in which you make a request for access to documents, registered on 30/05/2017 under reference number GestDem No 2017/3148. I also refer to our holding reply of 21/06/2017 concerning the extension of the deadline (registered under reference number Ares(2017)3115894), to our informal prolongation email dated 12/07/2017 (registered under reference number Ares(2017)3508988), and to your email dated 21/09/2017. Your application is currently being handled.

You request access to:

"all meeting' agendas and minutes or notes; plus background papers or other briefings, held by CNECT officials on the issue of ePrivacy, dated from 1 October 2016 to 31 January 2017, from Application Developers Alliance, Cable Europe, Computer and Communications Industry Association, COCIR - sustainable competence in advancing healthcare, DIGITALEUROPE, European Competitive Telecommunications Association (ECTA), European Digital Media Association (EDiMA), European Telecommunications Network Operators' Association (ETNO), European Internet Services Providers Association (EuroISPA), IAB Europe, GSMA Europe, European Publishers' Council, European Magazine Media Association, Telefónica, Deutsche Telekom, and Google. This would include the following list of meetings retrieved from the online publication of meetings by Commissioners Ansip, Oettinger, and their cabinets, but should also include meetings / papers held by lower-level officials too:

*Andrus Ansip 19/12/16 "European Round Table of Industrialists (ERT)
European Telecommunications Network Operators' Association (ETNO)
BUSINESSEUROPE
European Internet Services Providers Association (EuroISPA)
Computer & Communications Industry Association (CCIA)*

European Banking Federation (EBF)
Union européenne de l'Artisanat et des petites et moyennes entreprises, aisbl (UEAPME)
DIGITALEUROPE (DE)
Ecommerce Europe
Interactive Advertising Bureau Europe (IAB Europe)
BSA | The Software Alliance (BSA)
European CIO Association (EuroCIO)
Federation of European Direct and Interactive Marketing (FEDMA)
Coalition of European Organisations on Data Protection "Discussion with industry on general data protection regulation implementation"

Andrus Ansip 23/11/16 "European Association of Communications Agencies (EACA)
Interactive Advertising Bureau Europe (IAB Europe)
European Publishers Council (EPC)
European Magazine Media Association (EMMA)
The European Interactive Digital Advertising Alliance (EDAA)
European Newspaper Publishers' Association (ENPA)
Federation of European Direct and Interactive Marketing (FEDMA) "Eprivacy review"

Stig Joergen Gren 31/01/17 News Corporation (News Corp) DSM general, platforms, publishers' right

Stig Joergen Gren 09/01/17 DIGITALEUROPE (DE) DSM general

Juhan Lepassaar, Laure Chapuis-Kombos 19/12/16 "European Round Table of Industrialists (ERT)
European Telecommunications Network Operators' Association (ETNO)
BUSINESSEUROPE
European Internet Services Providers Association (EuroISPA)
Computer & Communications Industry Association (CCIA)
European Banking Federation (EBF)
Union européenne de l'Artisanat et des petites et moyennes entreprises, aisbl (UEAPME)
DIGITALEUROPE (DE)
Ecommerce Europe
Interactive Advertising Bureau Europe (IAB Europe)
BSA | The Software Alliance (BSA)
European CIO Association (EuroCIO)
Federation of European Direct and Interactive Marketing (FEDMA)
Coalition of European Organisations on Data Protection "Discussion with industry on general data protection regulation implementation"

Laure Chapuis-Kombos 25/11/16 Computer & Communications Industry Association (CCIA)
e-privacy

Laure Chapuis-Kombos 23/11/16 "European Association of Communications Agencies (EACA)
Interactive Advertising Bureau Europe (IAB Europe)
European Publishers Council (EPC)
European Magazine Media Association (EMMA)
The European Interactive Digital Advertising Alliance (EDAA)
European Newspaper Publishers' Association (ENPA)

Federation of European Direct and Interactive Marketing (FEDMA) "E-privacy review

Laure Chapuis-Kombos 23/11/16 DIGITALEUROPE (DE) e-privacy position paper

Laure Chapuis-Kombos 09/11/16 European Magazine Media Association (EMMA) e-privacy directive

Laure Chapuis-Kombos 08/11/16 Deutsche Telekom (DT) ePrivacy

Laure Chapuis-Kombos 18/10/16 European Telecommunications Network Operators' Association (ETNO) Review ePrivacy Directive

Laure Chapuis-Kombos 29/09/16 Facebook Ireland Limited (FB-I) eprivacy issues

Gunther Oettinger 21/12/16 European Competitive Telecommunications Association (ECTA) Telecom review, state of competition in Europe

Gunther Oettinger 18/11/16 Google DSM

Gunther Oettinger 15/11/16 European Magazine Media Association (EMMA) copyright & eprivacy

Gunther Oettinger 08/10/16 Computer & Communications Industry Association (CCIA) DSM

Martin Übelhör 13/12/16 Deutsche Telekom (DT) ePrivacy directive

Martin Übelhör 15/11/16 "European Magazine Media Association (EMMA) European Newspaper Publishers' Association (ENPA) "ePrivacy directive

Martin Übelhör 10/11/16 Microsoft Corporation ePrivacy directive

Martin Übelhör 09/11/16 Google ePrivacy directive

Martin Übelhör 08/11/16 "European Telecommunications Network Operators' Association (ETNO) Telefonica, S.A. "ePrivacy directive

Bodo Lehmann 03/11/16 Deutsche Telekom (DT) ePrivacy

Bodo Lehmann 26/10/16 European Telecommunications Network Operators' Association (ETNO) e-privacy directive

Anna Herold 26/10/16 Computer & Communications Industry Association (CCIA) Copyright

Anna Herold 18/10/16 European Telecommunications Network Operators' Association (ETNO) ETNO

Bodo Lehmann 10/10/16 "European Magazine Media Association (EMMA) European Newspaper Publishers' Association (ENPA) "e-privacy directive

Michael Hager 27/09/16 "DIGITALEUROPE (DE) European Internet Services Providers Association (EuroISPA) Computer & Communications Industry Association (CCIA) BSA / The Software Alliance (BSA) "DSM

Michael Hager 27/09/16 European Magazine Media Association (EMMA) copyright, AVMSD, eprivacy".

This is a first reply to your request. A second reply will be sent by the Commission as soon as possible.

This first reply concerns a document not included in the list of meetings you retrieved online: CNECT/6050, a briefing prepared for DG CONNECT Deputy Director General, Mrs Claire Bury, who met European Publishers Council on 8 December 2016.

Certain parts of the briefing concern topics other than ePrivacy and therefore do not fall under the scope of your request. These parts have been thus redacted.

The briefing to which you have requested access contains personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001 (hereinafter "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 (hereinafter "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 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.

I 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 document requested expunged from this personal data.

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.

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-4
BERL 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

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 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

I enclose a copy of this document with certain parts expunged in accordance with the above. For each expunged part, a comment next to it indicates the reason for it.

In addition to the above-mentioned document, my services are in the process of verifying whether other requested documents are held with other European Commission's services. In case the answer is positive, I will communicate them to you as soon as possible. I would appreciate your understanding.

I apologise for any inconvenience this may cause. I assure you that we treat this request with the utmost urgency.

Yours sincerely,

Jakub Boratynski
Head of Unit