

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate C: Fundamental rights and Union citizenship
Unit C.3: Data protection

Brussels, 27 September 2017
JUST/C3/MT/ (2017)5021879

Mr Ekaitz CANCELA
Errekatxu Kalea n°13
48902 Bilbao
España

By registered letter with acknowledgment of receipt

Advance copy by email: ask+request-4407-972cabec@asktheeu.org

Dear Mr Cancela

Subject: Your application for access to documents – Ref GestDem No No 2017/3693

We refer to your e-mail dated 20/06/2017 in which you make a request for access to documents, registered on 21/06/2017 under the above mentioned reference number.

You request access to minutes and other reports of the meetings of the European Commissioner for Justice, Věra Jourová and other officials and representatives of his DG about all the issue related to digital trade (including those of data flows, data localisation and data transfer) with private providers of digital services (including tech companies and tech industry groups such as ESF, Digital Europe or BusinessEurope, 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;

You further indicated that you would prefer to receive the documents on a rolling basis, rather than waiting until the full response is ready. With the latter dated 4 August 2017, you received 52 initial documents. You were also informed that as the search for documents is still ongoing, you may receive some more within the next weeks. With this letter, please find additional 8 documents.

Your application concerns the following documents:

1. Meeting with the Confederation of British Industry in 2012 (Ares(2017)3876277)
2. Meeting with the Danish Business authority in 2014 (Ares(2017)3876179)
3. Data Protection Conference in Berlin in 2015 (Ares(2017)3875838)
4. Meeting with the Bavarian business representatives in 2015 (Ares(2017)3875818)
5. Meeting with the Coalition of European Companies in 2015 (Ares(2017)3875786)
6. Danish Data Protection Day 2015 (Ares(2017)3875742)
7. Meeting with EMOTA (The European eCommerce & Omni-Channel Trade Association) in 2017 (Ares(2017)1192183)
8. Meeting with Salesforce in 2017 (Ares(2017)1167192)

The documents to which you have requested access contain personal data. 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 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 data¹.

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/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 expunged from this personal data.

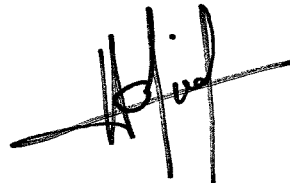
In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application 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

Yours sincerely,



Olivier MICOL
Head of Unit

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.