

Helsinki, 20 september 2017

Vincent Harmsen

E-mail: [ask+request-4464-b780027e@asktheeu.org](mailto:ask+request-4464-b780027e@asktheeu.org)**Subject: Reply to your request of ATD/57/2017 – final**

Dear Mr Harmsen,

Thank you for your request of 10 July 2017, registered on 11 July 2017, seeking access to documents. Your request falls under Regulation (EC) No 1049/2001 (the "ATD Regulation") which governs the access to documents held by the European Chemicals Agency.

Your request concerns access to "all records of communications -- including, but not limited to, emails, letters, phone logs, minutes of meetings, or any other reports of such meetings -- between Fabrice Broeckaert, employee of ECHA, and the following corporations, individuals and organizations between 01 January 2015 and 01 January 2017:

- Bayer
- Monsanto
- BASF
- Syngenta
- DuPont
- Dow Chemical
- AkzoNobel
- Tier3 Solutions
- ECPA
- CEFIC
- CropLife International
- CropLife America
- American Chemistry Council
- ECETOC
- ILSI
- FleishmanHillard
- Hill+Knowlton
- Ketchum
- Burson Marsteller
- v-Fluence
- Exponent
- Gradient
- Hume Brophy
- Edelman
- acumen
- Genius
- knoell
- Alan Boobis
- Roland Solecki
- Angelo Moretto
- Wolfgang Dekant

- Helmut Greim
- Daniel Dietrich
- Colin Berry
- Richard Sharpe
- Gary Williams
- Pat Heslop-Harrison
- David Kirkland
- Richard Garnett
- David Saltmiras
- Keith Solomon
- Donna Farmer
- William Heydens
- Jerry Rice
- Larry Kier
- Mark Martens "

In your email of 11 July 2017, you confirmed the scope of your application as related to "all communication, not related to any specific substance or substances" and offered your cooperation to facilitate the process. In this respect, in your email of 25 July 2017, you agreed to ECHA's proposal whereby we would disclose the documents in two batches as different communication tools must be examined.

Moreover, by email of 24 July 2017, ECHA explained that your application concerns identified natural persons and that such information constitutes a set of personal data. By email of 25 July 2017, you put forward reasons as to establish the necessity of having the data transferred in accordance with Article 8 of Regulation (EC) No 45/2001 (the "Data Protection Regulation").

As the time the second batch of communication was disclosed, on 15 September 2017, a third party consultation in accordance with Article 4(4) of the ATD Regulation was ongoing as regards the document n° 3 (i.e. e-mails with ECHA on 2 September 2016 and the related attachment). ECHA informed you that this document will be disclosed via a separate communication.

## **Decision**

Based on Article 7(1) of the ATD Regulation

**ECHA has decided to grant you partial access to the requested documents.**

## **Reasons**

Following an examination of the documents requested under the provisions of the ATD Regulation, ECHA has concluded that they may be partially disclosed. The partially redacted versions of the documents are enclosed to this letter. Some parts of the documents have been blanked out as their disclosure is prevented by an exception to the right of access laid down in Article 4 of this regulation, as explained below. Please note that documents originating from third parties were found among the communication. ECHA carried out a third party consultation in accordance with Article 4(4) of the ATD Regulation and the interests involved have been duly balanced.

Personal data

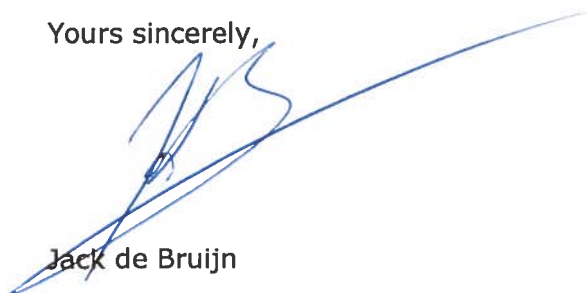
Personal data that is not publicly available has been redacted from the requested documents as the exception provided by Article 4(1)(b) of the ATD Regulation on the protection of personal data was found to apply, except for the name of Fabrice Broeckaert.

**Appeal/legal redress**

You are entitled to make a confirmatory application requesting ECHA to review this position by writing to the Executive Director of ECHA (P.O Box 400, 00121 Helsinki, Finland or [executive-director@echa.europa.eu](mailto:executive-director@echa.europa.eu)). This needs to be done within 15 working days of receiving this letter.

The Executive Director will inform you of the result of the review within 15 working days from the registration of your subsequent request.

Yours sincerely,



Jack de Bruijn

Director of Risk Management

Encl: Non-confidential versions of the e-mails with ECHA on 02/09/2016 and related attachment.