



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media Policy
Copyright

Brussels,
CONNECT/I2/CA/hz (2017) 5229222

Ms Margarida SILVA
CEO
Rue d'Edimbourg 26,
1050 Brussels, Belgium

*By registered letter with
acknowledgment of receipt*

Advance copy by email: ask+request-4465-b98de40a@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2017/4050

Dear Ms Silva,

I refer to your two emails dated 07/09/2017 in which you ask for further clarification and information following to our reply to the request for access to documents Gestdem 2017/4050 sent on 04/09/2017 (Ref. Ares(2017)4313551).

In your first email dated 07/09/2017 (Ref. Ares(2017)4389646), you wrote "*Just to clarify the MISSION SILICON VALLEY, USA 19 - 23 JUNE 2017 is a mission that was organised by, and attended by, the Commission? Please could you point me to the place on the Commission's website where I can find out more about it*".

The mission to the USA 19 – 23 June 2017 was organised and attended by the Commission Services. This mission is part of the normal policy activities of the Commission and was not, as such, publicized on the Commission's website. You can find general information and news on the e-commerce and copyright policies on the following websites: <https://ec.europa.eu/digital-single-market/en/policies/ecommerce> and <https://ec.europa.eu/digital-single-market/en/policies/copyright>.

In your second email dated 07/09/2017 (Ref. Ares(2017)4389635), you wrote "*Further to my last email, missing from the set of documents are any emails from DG Connect officials, Commissioner Ansip and Commissioner Oettinger, their respective offices and Cabinets to Audible Magic, ie. to arrange meetings, follow-up to meetings, acknowledgements of emails etc. Also, there were no meeting agendas provided for any*

meeting held, nor minutes for the meetings held on 7 April 2016 or 13 January 2017. Please could you check this and provide these documents promptly".

Following to your follow-up request, we have conducted a new search and identified an additional document consisting in an internal report on a call organised between the Commission Services and Audible Magic on Wednesday 18 January 2017 (Ref. Ares(2017)4615423). This call was referred to in Document 6 of Annex I of our reply to your request Gestdem 2017/4050 (Ref. Ares(2017)4313551). The slides referred to in this document have already been disclosed as Document 2 of Annex I of our reply to your request Gestdem 2017/4050.

A copy of this additional document (Ref. Ares(2017)4615423) is enclosed to this letter.

Apart from this document, I confirm that we do not know of the existence of any document covered by the request other than the ones already listed in our reply of 04/09/2017 (Ref. Ares(2017)4313551). In particular, there is to our knowledge no meeting agenda drafted or minutes following the meeting held on 7 April 2016.

As regards the newly identified document (Ref. Ares(2017)4615423), names have been removed in accordance to rules on data protection. In particular, pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001 (hereinafter "Regulation 1049/2001"), this document can be disclosed only expunged of personal data. The disclosure of this personal data would undermine the protection of privacy and the integrity of the individual, in particular in accordance with the 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 (hereinafter "Regulation 45/2001").

When access is requested to documents containing personal data, Regulation 45/2001 becomes fully applicable². According to Article 8(b) of that 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, I am 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.

Moreover, you are entitled to introduce a confirmatory application also regarding the first reply to your request Gestdem 2017/4050 we already sent you on 04/09/2017 (Ref. Ares(2017)4313551).

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.

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,

'e-Signed'
Marco GIORELLO
Acting Head of Unit

Enclosure: Notes following a call organised between the Commission Services and Audible Magic on Wednesday 18 January 2017