



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Director-General

Brussels, 18 June 2018
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***By registered letter with
acknowledgment of receipt***

Mr Peter Teffer
EUobserver
Rue Montoyer 18B
1000 Brussels

Advance copy by email:
[ask+request-5427-
14337413@asktheeu.org](mailto:ask+request-5427-14337413@asktheeu.org)

Subject: Your application for access to documents – Ref GestDem No 2018/2262

Dear Mr Teffer,

We refer to your request for access to documents (created between 1 January 2011 and 31 December 2015, referring, summarising and/or citing comments of Facebook on the proposed reform on data protection which became the general data protection regulation), registered on 19/04/2018 under the above-mentioned reference number.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application.¹

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

¹ If the document(s) was(ere) eliminated as part of a file which has been eliminated in accordance with the Commission's internal retention rules as defined in the Common Commission-level retention list for European Commission files, SEC(2012)713, services can possibly add: 'This(ese) document(s) were eliminated in accordance with the Common Commission-level retention list for European Commission files, SEC(2012)713.'

Please note that this reason will only be valid for documents that are filed in one or more files that all have been eliminated. When there is still one active/closed file in which a document is filed, the document still exists. In case of a procedure of administrative elimination (for instance, non-retained proposals/candidates), it is very likely that the documents, by their very nature, are only filed in one file. In these cases the likelihood of the documents really being eliminated is relatively high.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to handle your request.

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.

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 faithfully,

(e-signed)
Tiina Astola