



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Unit 01: Communication and strategic planning

Brussels,  
JUST.01/AC

***By registered letter with  
acknowledgment of receipt***

Ms Margarida da Silva  
CEO  
Rue d' Edimbourg 26  
BE - 1050 Brussels

***Advance copy by email:***  
**[ask+request-5496-cfb9a8cc@asktheeu.org](mailto:ask+request-5496-cfb9a8cc@asktheeu.org)**

**Subject:       Your application for access to documents – Ref GestDem No  
2018/2420**

Dear Ms Da Silva,

We refer to your e-mail dated 25/04/2018 in which you make a request for access to documents, registered on 27/04/2018 under the above-mentioned reference number.

You request access to "*documents which contain the following information:*

*- a list of lobby meetings held by DG JUST with Facebook or its intermediaries. The list should include: date, individuals attending + organisational affiliation, the issues discussed;*

*- minutes and other reports of these meetings;*

*all correspondence (i.e. any emails, correspondence or telephone call notes) between DG JUST (including the Commissioner and the Cabinet) and Facebook or any intermediaries representing its interests."*

You further clarified by your email of 18/05/2018 addressed to DG JUST that you are interested in documents from 01/11/2014 onwards and that the research can be limited to meetings with Facebook directly. Thereby, we consider your request to cover documents held up to the date of your initial application.

Given that you submitted the same request to other Directorates-General of the Commission as well, this reply relates only to the documents held by DG JUST. You received or will receive the replies from the other respective Directorates-General in due course.

I would also like to inform you that in order to identify the meetings falling under your request I have used the definition of lobbying activities as described in the Commission

Communication of 21 March 2007<sup>1</sup> as "*all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions*", accepted also by the European Parliament in the EP resolution of Thursday 8 May 2008, concerning a "Framework for the activities of lobbyists in the EU institutions"<sup>2</sup>

In accordance with the Code of Good Administrative Behavior, we wish to inform you that the following lobby meetings have been held between DG JUST and Facebook in the period concerned:

<b>Date</b>	<b>Subject matter</b>	<b>Participants</b>
29-Jun-15	Women and tech	Renate Nikolay
02-Oct-15	Hate speech on-line	Věra Jourová, Daniel Braun, Isabelle Perignon, Renate Nikolay
04-Dec-15	Safe Harbour	Věra Jourová, Kevin O'Connell, Renate Nikolay
15-Feb-16	DSM agenda, hate speech online, digital contracts	Eduard Hulicius
25-Apr-16	Hate speech online	Daniel Braun, Renate Nikolay
20-Apr-16	opening of Brussels premises	Eduard Hulicius
10-Jun-16	GDPR, EU –US Privacy Shield	Kevin O'Connell
13-Jun-16	Hate speech on the internet and online platforms	Daniel Braun, Eduard Hulicius
29-Aug-16	Copyright reform	Eduard Hulicius
09-Nov-2019	GDPR, Privacy Shield, Online speech, E-evidence, CPC	Renate Nikolay
23-Nov-16	Code of Conduct	Daniel Braun, Renate Nikolay
26-Jan-17	Online Hate Speech	Daniel Braun
02-Mar-17	Online hate speech, GDPR, Privacy Shield	Věra Jourová, Daniel Braun, Kevin O'Connell
24-Apr-17	Code of Conduct	Daniel Braun, Renate Nikolay
18-Sep-17	CPC Network	Eduard Hulicius
19-Sep-17	EU US Privacy Shield, GDPR, Online hate speech, e-evidence	Věra Jourová, Kevin O'Connell, Renate Nikolay, Wojtek Talko
04-Oct-17	Code of Conduct, Online Hate Speech	Daniel Braun, Renate Nikolay
18-Sep-17	Social media CPC action	Eduard Hulicius
23-Jan-18	Hate speech online, Data protection - GDPR, Privacy Shield, E-evidence	Věra Jourová, Daniel Braun, Kevin O'Connell, Renate Nikolay
28-Feb-18	Code of Conduct	Daniel Braun, Renate Nikolay
26-Apr-18	GDPR	Wojtek Talko

<sup>1</sup> Communication from the Commission of 21 March 2007 – Follow-up to the Green Paper 'European Transparency Initiative' [COM(2007) 127 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52007DC0127>

<sup>2</sup> The text of the resolution is available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-197>

These are the documents which correspond to your application:

1. Flash minutes of the meeting of 15/02/2016 - Ares(2018)3446723
2. Flash minutes of the meeting of 25/04/2016 - Ares(2018)3446846
3. Flash minutes of the meeting of 13/06/2016 - Ares(2018)3457004
4. Flash minutes of the meeting of 29/08/2016 - Ares(2018)3440402
5. Flash minutes of the meeting of 26/01/2017 - Ares(2018)3446917
6. Flash minutes of the meeting of 24/04/2017 - Ares(2018)3446570
7. Flash minutes of the meeting of 18/09/2017 - Ares(2018)3440257
8. Mission report: San Francisco & Silicon Valley (19-21 September 2017), FACEBOOK - Ares(2018)3468375
9. Flash minutes of the meeting of 23/01/2018 - Ares(2018)3445228
10. Flash minutes of the meeting of 26/04/2018 - Ares(2018)3445141
11. e-mail exchange DG JUST / Facebook between 1 Nov. 2017 – 27 Nov. 2017
12. Letter to Sheryl Sandberg, Ares(2018)1669470
13. Reply from Ms Sheryl Sandberg, COO Facebook to the letter sent by Ms Jourova - Ares(2018)1854626

You will find a copy of all these documents attached to the present letter, except documents n. 11 and 13. Since these documents originate from a third party, the originator of the documents has been consulted. We are waiting for the observations of the author of documents and you will receive an additional reply by the 23<sup>rd</sup> of July 2018.

Furthermore, concerning documents 2 and 4, some sections have been redacted as they do not refer to meetings with Facebook. These sections are therefore outside the scope of your request and they redaction does not represent a refusal of access.

The documents to which you have requested access contain personal data, in particular names and contact details of non-senior management staff.

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 data<sup>3</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>4</sup>.

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.

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<sup>3</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>4</sup> 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.

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 a version of the documents requested in which these personal data have been redacted.

Please note that some documents were received by the Commission from third parties. They are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Concerning the minutes or the summary record of meetings, please note that these documents were drawn up for internal use under the responsibility of the relevant services of DG JUST. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with the assessment that the redacted data are personal data, which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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 5/288  
B-1049 Bruxelles or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*(e-signed)*  
Giles GOODALL  
Head of Unit