



EUROPEAN COMMISSION

Secretariat-General

Directorate B - Institutional and Administrative Policies
SG Brexit Preparedness Group

Brussels,
sg.dsg2.b.bpg(2018)4190040/DC/lb

Ms Mary Peterson
15 Church Green
Myatt Fields South
Stockwell
London SW9 6NL
E-mail: ask+request-5621-b530f420@asktheeu.org

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2018/3148

We refer to your e-mail dated **29/05/2018** in which you make a request for access to documents, registered on **13/06/2018** under the above mentioned reference number.

You request access "*under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:*

A copy of any emails/letters sent by Martin Selmayr which refer to Britain's membership of the EU (including the ongoing Brexit negotiations), in the period March – July 2017.

A copy of any emails/letters sent by Martin Selmayr, which refer to Britain's membership of the EU (including the ongoing Brexit negotiations), in the period August – December 2017.

A copy of any emails/letters sent by Martin Selmayr, which refer to Britain's membership of the EU (including the ongoing Brexit negotiations), in the period January – May 2018".

Your application concerns the following two documents:

- 1) A reply from Mr Martin Selmayr to the Dutch King's Commissioner for the Province of Limburg, Mr Theo Bovens, sent on 2 June 2017 in response to a letter addressed to President Jean-Claude Juncker proposing to hold part of the Article 50 negotiations in Maastricht, Ares(2017)2779406
- 2) A reply from Mr Martin Selmayr to the Leader of the Sinn Féin party in the North of Ireland sent on 25 January 2018 in response to a meeting request to President Juncker to discuss the joint report on progress during phase 1 of Article 50 negotiations, Ares(2018)445608

The documents to which you have requested access contain personal data, in particular names and contact details.

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

As to the handwritten signature, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned, as it would expose them to the risk of forgery and identity theft.

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

Yours faithfully,



Dorthe Christensen
Head of Unit

Enclosures: 2

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of 29 June 2010 in Case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.