



EUROPEAN CENTRAL BANK

EUROSYSTEM

DIRECTORATE GENERAL SECRETARIAT

ECB-UNRESTRICTED

Ms Nicola Kempton

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14 September 2018

LS/PT/2018/63

Request for public access to ECB documents

Dear Ms Kempton,

Thank you for your application on 20 June 2018 requesting access to several documents (see Annex).

We would like to recall that given the large number of documents requested and in line with Article 6(3) of Decision ECB/2004/3 on public access to ECB documents (referred to in this letter as "Decision ECB/2004/3")¹, your request had to be divided into parts to ensure a timely response in keeping with the principle of good administration. The ECB responded to points 1 to 6 of your request on 18 July 2018. On 5 August 2018, in line with Article 7(3) Decision ECB/2004/3 and owing to the need to consult third parties, the ECB extended the stipulated time limit for reply by an additional 20 working days. Today's letter concerns points 7 to 14 of your request.

Having carefully examined your request in line with Decision ECB/2004/3, we have identified eight documents, i.e. email exchanges between the ECB and the European DataWarehouse GmbH, falling within the scope of point 7 of your request, on:

1. *"Change Request - Deal Information screen in Edwin"*, dated 16 October 2013;
 2. *"Update of the Deal Information screen"*, dated 9 October 2013;
 3. *"Eurosystem report enhancements"*, dated 22-23 April 2013;
 4. *"Eurosystem comments on European Datawarehouse reports"*, dated 16, 24 July 2013;
 5. *"Proposal to fix re-submission issue"*, dated 28 June 2018 and 6, 8 July 2018;
 6. *"Proposal for the new Eurosystem reports"*, dated 20 September 2013, 6-7 November 2013;
 7. *"Rules for the calculation of the IPD at ABS transaction level"*, dated 26 November 2013;
- and

¹ Decision of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3) (OJ L 80, 18.3.2004, p. 42), as amended by Decision ECB/2015/1 (OJ L 84, 28.3.2015, p. 64).

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8. *"List of main deliverables that the ECB expects ED to deliver in the next months"*, dated 5 May 2014.

- two documents, i.e. email exchanges between the ECB and the European DataWarehouse GmbH, falling within the scope of point 10 of your request, on:
 1. *"Proposed communication plan to ED customers of XML changes"*, dated 6 and 11 June 2013; and
 2. *"Feedback first experience RMBS Data Template European Datawarehouse"*, dated 19 and 21 March 2013".

The ECB notes that the eight documents listed under point 7 of your request would also correspond to the description given in your application for point 10.

ECB's Assessment

Following a thorough assessment in line with Decision ECB/2004/3, the ECB considers that none of the exceptions listed in Article 4 of the Decision apply to these documents. The third party has been duly consulted and its consent for disclosure has been obtained (see enclosures).

Where applicable, the documents have been anonymised and the personal data of ECB staff members or third parties have been deleted, together with any information that would make the data subjects identifiable. Such personal data are protected by Article 4(1)(b) of Decision ECB/2004/3 in conjunction with Article 8 of 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. One of the conditions stipulated by Article 8(b) of Regulation (EC) No 45/2001 for the transfer of personal data to recipients, other than European Union institutions and bodies, subject to Directive 95/46/EC, is that the necessity of having personal data transferred is established. Given that your request did not state any such necessity, the personal data have been removed in line with the aforementioned provisions.

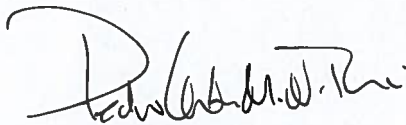
We regret to inform you that no documents have been identified that would correspond to points 8, 9, 11, 12, 13 and 14 in your application. The ECB would like to clarify that the public access regime of the ECB applies only to existing documents² and the institution is not obliged to create a document which does not exist.³

² Judgment of the General Court of 25 April 2007 in case T-264/04, *WWF v European Commission*, ECLI:EU:T:2007:114, paragraph 70.

³ Judgment of the Court of Justice of 2 October 2014 in case C-127/13 P, *Strack v European Commission*, ECLI:EU:C:2014:2250, paragraph 46.

Please note that, in line with Article 10 of Decision ECB/2004/3, "Documents released in accordance with this Decision shall not be reproduced or exploited for commercial purposes without the ECB's prior specific authorisation. The ECB may withhold such authorisation without stating reasons."

Yours sincerely,



Pedro Gustavo Teixeira
Director General Secretariat



Roman Schremser
Chief Compliance and Governance Officer

Encl.