



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Resources & Support  
**Compliance & Planning**  
Head of Unit

Brussels,  
CONNECT/R4

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

Ms. Julia Reda  
Parlement européen  
Bât. Altiero Spinelli 05F158  
60, rue Wiertz  
B- 1047 Bruxelles

***Advance copy by email:***

[ask+request-5702-21219dd0@asktheeu.org](mailto:ask+request-5702-21219dd0@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem 2018/3628**

Dear Ms. Reda,

We refer to your e-mail dated 29/06/2018 in which you make a request for access to documents, registered on 05/07/2018 under the above mentioned reference number.

### **1. SCOPE OF YOUR APPLICATION**

Your request: *" 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:*

*The staff running the accounts of the European Commission has been engaging on twitter and other channels regarding the effects of Article 13 of the Copyright in the Digital Single Market Directive proposal (for example at [https://twitter.com/EU\\_Commission/status/1010093360143425536](https://twitter.com/EU_Commission/status/1010093360143425536)*

*[https://twitter.com/EU\\_Commission/status/1010066160128286721](https://twitter.com/EU_Commission/status/1010066160128286721)*

*[https://twitter.com/EU\\_Commission/status/1011962461837115392](https://twitter.com/EU_Commission/status/1011962461837115392)*

*[https://twitter.com/EU\\_Commission/status/1011254657560260609](https://twitter.com/EU_Commission/status/1011254657560260609)*

*[https://twitter.com/EU\\_Commission/status/1011254796593004545](https://twitter.com/EU_Commission/status/1011254796593004545)*

*[https://twitter.com/EU\\_Commission/status/1011254836212518914](https://twitter.com/EU_Commission/status/1011254836212518914)*

*[https://twitter.com/EU\\_Commission/status/1011254976499343360](https://twitter.com/EU_Commission/status/1011254976499343360)*

and

<https://ec.europa.eu/digital-single-market/en/faq/frequently-asked-questions-copyright-reform>)

*I am requesting all information concerning these posts, such as:*

*\* Memos, Briefings, protocols of Commission staff, freelancers and other people involved in the social media and press activities. This may include draft responses in written or visual form, guidelines or timetables sent via email or through the Content Management Systems (including the wikis used by the Commission staff).*

*\* Any communication between said people and DG CNECT or Legal Service staff (or other units) on the assessment of the claims concerning article 13 (regardless whether it refers to the Council negotiation mandate, the Commission proposal or the JURI version and its drafts) and memes. This may include draft responses and questions concerning memes, the optional parody exception, ECJ case law, national implementation of exceptions and other topics discussed.*

*\* Any draft or final responses sent out to journalists, scholars, citizens or corporations concerning article 13 (regardless whether it refers to the Council negotiation mandate, the Commission proposal or the JURI version and its drafts) since April 2018.*

*\* "information" or "document" should be understood in a broad sense and shall include images, audiovisual material and animations. I am requesting digital copies of these files, not black-and-white scanned printouts on these”.*

Please note that parts of the request were attributed to the Directorate-General COMM (GestDem2018/3835). You will receive the reply from Directorate-General COMM in due course.

## **2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST AND ASSESSMENT UNDER REGULATION 1049/2001**

We have identified the following documents as corresponding to your request:

- 1) Email from 22/06/2018 – copyright faq on the web
- 2) Preview of the Webpage on frequently asked questions on copyright reform, in its version of 22.06.2018

### **Document 1 – Partial access with only personal data redacted**

This document contains personal data (in particular names, email addresses and signatures) of Commission staff not occupying any senior management position.

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>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</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.

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, this document is released expunged from the personal data.

## **Document 2- Full disclosure**

As regards the second document, full access can be given.

You may reuse the abovementioned documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

## **3. CONFIRMATORY APPLICATION**

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)  
Katleen Engelbosch

Enclosures: 2

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

<sup>2</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.