



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director-General

Brussels,
HOME A2-FC/sl

By registered letter with acknowledgment of receipt

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Subject: Your applications for access to documents – ref. GestDem n°2018/3694 and 2018/3699

Dear Sir,

We refer to your e-mails dated 06/07/2018 and 09/07/2018 in which you make a request for access to documents, registered respectively on 12/07/2018 and 13/07/2018 under the above-mentioned references.

You request access to:

1. The letter sent by German Interior Minister Horst Seehofer to the EU Commission on 27 June regarding Brexit,
2. The letter by the German government to the EU Commission.

As regards point 1, the German Interior Minister Seehofer sent a letter to Commissioner Avramopoulos¹. First Vice-President Timmermans and Commissioner King received letters with identical content to that sent to Commissioner Avramopoulos on 27/06/2018². As far as the letter sent to First Vice-President Timmermans by the German Interior Minister Seehofer is concerned, this was the same as that sent to Commissioner Avramopoulos on 27/06/2018, as a cover e-mail from the German authorities indicates. The letter was not archived separately but the fact of its receipt was recorded within the same internal reference.

As regards point 2, the German Permanent Representation to the European Union sent a letter to the Head of Cabinet of Commissioner Dimitris Avramopoulos³ on 06/07/2018, and to Commissioner Julian King⁴.

Since the documents concerned originate from the German authorities, these have been consulted as originators of the documents.

¹ ARES(2018)3557511.

² ARES(2018)3557511 and ARES(2018)3766280.

³ ARES(2018)3608656.

⁴ ARES(2018)3611674.

We are enclosing the letters here above-referred to Commissioners Avramopoulos and King, as well as the cover e-mail to the First Vice-President Timmermans.

The documents to which you have requested access contain personal data, in particular handwritten signatures.

Pursuant to Article 4(1) (b) of Regulation (EC) n°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) n°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 data⁵.

When access is requested to documents containing personal data, Regulation (EC) n°45/2001 becomes fully applicable⁶.

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.

As to the handwritten signatures, which are biometric data⁷, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

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.

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 Brussels or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Paraskevi MICHOU

[e-signed]

Enclosures: 6

⁵ Official Journal L 8 of 12.1.2001, p. 1.

⁶ 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.

⁷ The '[Article 29 Working Party](#)' has defined [biometric data](#) as *biological properties, behavioural aspects, physiological characteristics, living traits or repeatable actions where those features and/or actions are both unique to that individual and measurable, even if the patterns used in practice to technically measure them involve a certain degree of probability.*