



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate J - Common Support Centre
J.1 - Common Legal support service
Head of Unit

Brussels,
RS/JVC/MV
[rtd.ddg1.j.1\(2019\)1747204](mailto:rtd.ddg1.j.1(2019)1747204)

*By registered letter with acknowledgment
of receipt*

Peter Teffer
EUobserver
Rue Montoyer 18B
1000 Brussels
Belgium

Advance copy by e-mail:

ask+request-6350-08141c38@asktheeu.org

Subject: Your application for access to documents – GestDem Ref No 2019/0654

Dear Mr Teffer,

We refer to your letter dated 31 January 2019 in which you submitted, within the framework of Regulation (EC) 1049/2001¹, an application for access to documents.

1. SCOPE OF YOUR REQUEST

You requested access to the following documents:

“All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 23 January 2019 meeting between commissioner Carlos Moedas and Mr Eric Horvitz, Technical Fellow & Director, Microsoft Research Labs

- All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 23 January 2019 meeting between commissioner Carlos Moedas and Professor Klaus Schwab, Executive Chairman of World Economic Forum

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

- *All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 24 January 2019 meeting between commissioner Carlos Moedas and Mr Nick Clegg, Vice President of Global Affairs and Communications at Facebook*
- *All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 24 January 2019 meeting between commissioner Carlos Moedas and Mr Richard Socher, Chief scientist at Salesforce*
- *All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 24 January 2019 meeting between commissioner Carlos Moedas and Ms Gillian Tans, Booking.com's Chief Executive Officer*
- *All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 24 January 2019 meeting between commissioner Carlos Moedas and Ms Kristalina Georgieva, Chief Executive Officer of the World Bank*
- *All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 25 January 2019 meeting between commissioner Carlos Moedas and Carlos Brito, CEO of Anheuser-Busch InBev SA/NV."*

We have identified 17 documents falling under the scope of your request (hereinafter the 'requested documents'), namely:

- Background note related to a meeting between Commissioner Carlos Moedas and representatives of Microsoft Research Labs on 23 January 2019
- Chain of correspondence with Microsoft Research Labs, ending on 19 January 2019
- Chain of correspondence with Microsoft Research Labs, ending on 22 January 2019
- Chain of correspondence with Microsoft Research Labs, ending on 23 January 2019
- Confirmation for the meeting with Microsoft Research Labs on 23 January 2019
- Chain of correspondence related to a meeting between Commissioner Carlos Moedas and representatives of Facebook, ending on 22 January 2019
- Chain of correspondence with Facebook, ending on 24 January 2019
- Background note related to a meeting between Commissioner Carlos Moedas and representatives of Salesforce on 24 January 2019
- Chain of correspondence with Salesforce, ending on 9 January 2019
- Chain of correspondence with Salesforce, ending on 17 January 2019
- Chain of correspondence with Salesforce, ending on 17 January 2019
- Chain of correspondence with Salesforce, ending on 18 January 2019

- Background note related to a meeting between Commissioner Carlos Moedas and representatives of Booking.com on 24 January 2019
- Chain of correspondence with Booking.com, ending on 11 January 2019
- Chain of correspondence with Booking.com, ending on 18 January 2019
- Background note related to a meeting between Commissioner Carlos Moedas and representatives of Anheuser-Busch InBev SA/NV on 25 January 2019
- Chain of correspondence with Anheuser-Busch InBev SA/NV, ending on 16 January 2019

There are no documents for the meetings between Commissioner Carlos Moedas and representatives of the World Economic Forum and of the World Bank since these were courtesy meetings arranged *in situ*.

2. EXAMINATION UNDER REGULATION (EC) NO 1049/2001

We are pleased to inform you that partial access can be granted to the requested documents. We have only expunged information which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, namely the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data².

Protection of privacy and the integrity of the individual

The requested documents contains personal data such as names, surnames, functions, telephone numbers, electronic and professional addresses, pictures, biographies, etc. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

² Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('Regulation 2018/1725')

Therefore, personal data have been withheld from the requested document, except the name of individuals forming part of senior management staff of the Commission.

Disclaimer

Some of the documents requested were drawn up for internal use under the responsibility of the relevant service of the Commission. They do not set out any official position of the third parties to which the documents refer, which were not consulted on their content. These documents do not reflect the position of the Commission and cannot be quoted as such.

3. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 1049/2001, you are entitled 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 5/282

B-1049 Brussels

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

Yours faithfully,

Reinhard Schulte