



EUROPEAN COMMISSION

Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO)

The Director-General

Ref. Ares(2019)3407144 - 24/05/2019

Ref. D

24. 05. 2019

Brussels,
ECHO E.3

By registered letter with acknowledgment of receipt

Ms Gisella Rojas
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Madrid 28028
Spain

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37b402c6@asktheeu.org

Dear Ms Rojas,

Subject: Your application for access to documents – Ref GestDem No 2019/2001 and 2068

We refer to your e-mails dated 29 March 2019 and 2 April 2019 in which you make a request for access to documents, registered on 1 and 4 April 2019 under the above-mentioned reference numbers.

You requested all documents related to two meetings: between Alain Paul Lebeaupin (Apostolic Nuncio) and Kristalina Georgieva on 29 April 2013 as well as between Alain Paul Lebeaupin and Christos Stylianides on 13 March 2017.

We hereby inform you that Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) does not hold any documents related to the meeting of 29 April 2013 between Alain Paul Lebeaupin and Kristalina Georgieva. Concerning the meeting of Commissioner Stylianides with Alain Paul Lebeaupin, we identified a meeting report registered as ARES(2017)1362704.

Please note that the document to which you request access contains personal data, in particular names of individuals. Pursuant to Article 4(1)b of the Regulation (EC) 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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EU) 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').

Indeed, Article 3(1) of Regulation 2018/1725 provides that personal data ‘*means any information relating to an identified or identifiable natural person [...]*’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data. Please note in this respect that the names, signatures, functions, telephone numbers and/or initials pertaining to staff members of an institution are to be considered personal data. In its judgment in Case C-28/08 P (Bavarian Lager), the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data Protection Regulation becomes fully applicable.

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’*’.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

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. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests. 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. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Therefore, parts of the document containing personal data were redacted as they fall under the exception of protection of privacy and integrity of an individual as foreseen by Article 4(1)b of the Regulation (EC) 1049/2001. Please find attached the redacted document.

In accordance with Article 7(2) of Regulation (EC) No 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 Secretariat-General of the Commission at the following address:

European Commission


Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076

B-1049 Bruxelles

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

Yours sincerely,



Monique Pariat

Director-General

Enclosures: one document



EUROPEAN COMMISSION

Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO)

ECHO.D - General Affairs

D.1 - Policy Coordination, International and Multilateral Relations, Legal Affairs

Ref. Ares(2017)1362704 - 15/03/2017

MEETING REPORT

Subject: Meeting between Commissioner STYLIANIDES and S.E. Mgr Lebeaupin, Apostolic Nuncio to the European Union

Time/venue: 13 March 2017, Brussels (BERL)

Participants: Commission: Mr Mathieu BRIENS (member of cabinet); [REDACTED] (ECHO D1)

Summary:

Cordial meeting with S.E. Mgr LEBEAUPIN, and mutual concern of the need to assist people in need, globally, wherever they are, where necessary by strengthening the dialogue with the Holy See...

Details:

Friendly and cordial first meeting between S.E. Mgr LEBEAUPIN, Apostolic Nuncio to the European Union, and Commissioner STYLIANIDES.

Commissioner STYLIANIDES praised the long term cooperation between ECHO and its faith-based partners, like in Syria or in Africa. The diversity of the Commission's humanitarian partners, including faith-based organisations, brings invaluable richness to humanitarian assistance. Humanitarian assistance benefits to all people in need irrespective of their ethnicity and religion. He said that he was also extremely concerned by the immense human suffering.

S.E. Mgr LEBEAUPIN praised the good dialogue between the European Institutions and the Holy See. He would like to strengthen its political dialogue with the Commission and build up also a dialogue on the ground. The Church has indeed a presence everywhere on the globe, like ECHO with its field offices.

Commissioner STYLIANIDES welcome this starting point for deepening the good cooperation and conveyed the common concern and understanding of assisting people in need, globally, wherever they are.

[REDACTED] (ECHO/D1), Tel.: [REDACTED]

Copy: ECHO D; ECHO DG Assts; ECHO D1; participants from CAB STYLIANIDES.

