



Lyndsay Eccleston

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Stockholm, ¹⁷14 June 2019

Dear Ms Eccleston,

Subject: Your confirmatory request – ref. RMC-2019-OUT-1347-AnAmBeBu

We refer to your confirmatory request of 28 May 2019, which we registered on 29 May 2019 with the reference number 19-1325.

I would like to confirm the assessment that we made when we took our initial decision, conveyed to you in our letter of 28 May 2019. In particular, we insist that ECDC did not held, nor was able to create through a routine search using all the query fields that you indicated, any document corresponding to the description given in your application (see Judgment of the Court of 11 January 2017 in case C-491/15 P, *Typke v Commission*). For example, ECDC is not able to search and extract data from The European Surveillance System database by using "location by hospital" as a query element.

However, we take note that in your confirmatory application you slightly changed your request. Your original request included the reports for the period May 2009 – 2019 on infectious diseases in Northern Ireland, with the following information:

- (1) *the full date of each reported case*
- (2) *location by hospital*
- (3) *Gender*
- (4) *Age*
- (5) *Name & type of infection*
- (6) *Reported deaths*

In your confirmatory application, instead, you slightly changed the scope of your request:

Currently, you do provide dates and numbers affected by reported diseases, gender & age, so may we respectfully suggest that at the very least, you provide this information for Northern Ireland?

Our understanding is that you no longer request ECDC to disclose the "location by hospital" of the infections (which we would not have been able to do), but instead you wish to receive the information generically related to Northern Ireland. This has made possible for us to query our database, and we can indeed disclose part of the information you requested. Please see the attached dataset.

In the dataset you will find the following information, based on the data provided to ECDC by the reporting authorities:

- Type of infection
- Data source
- Year and date
- Place of notification
- Gender of the case
- Age of the case
- Outcome of the case

Please note that for some diseases you will be able to identify which cases are related to Northern Ireland by checking the NUTS code in the "PlaceOfNotification" row ("UKN" followed by a number refers to Northern Ireland). For all the other diseases (the majority), data has been aggregated by the reporting authority at higher level (i.e. UK level), and it is materially impossible for ECDC to disaggregate the data relating to Northern Ireland.

We also attach a document with a list of abbreviations that might help you in reading the dataset.

Please note that for those diseases where there were less than 5 cases reported in a specific year, we have decided not to disclose the age and gender of the cases. This is to protect the personal data of the data subjects, as disclosing the demographics of such cases could potentially allow the identification of the data subjects. When access is requested to documents containing personal data, Regulation (EU) No 2018/1725 becomes fully applicable¹. According to Article 9.1(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 take note of your explanation on the nature of NITSIP, but we confirm that we consider that you were not able to establish the necessity of the transfer of this specific set of personal data (i.e. age and gender of the case, for those diseases with less than 5 cases in a year).

¹ 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

You can bring an action against this decision to the Court of Justice of the European Union, in accordance with art. 263 of the Treaty on the Functioning of the European Union. You also can lodge a complaint to the European Ombudsman, in accordance with art. 228 of the Treaty on the Functioning of the European Union.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'A. Ammon', with a stylized flourish at the end.

Andrea Ammon

ECDC Director