



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

SANTE.A.1/RMR

*By registered letter with acknowledgment  
of receipt*

Peter TEFFER  
Ekko Voorkamer  
Bemuurde Weerd  
WZ 3 3513 BH Utrecht  
Netherlands

*Advance copy by email:*  
ask+request-7659-  
bf355103@askthecu.org

Dear Mr Teffer,

**Subject: Your application for access to documents – GESTDEM 2020/0847**

We refer to your e-mail of 12 February 2020 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

We also refer to our e-mail dated 4 March 2020 extending the time limit for responding to your request pursuant to Article 7(3) of Regulation (EC) No 1049/2001<sup>1</sup> (or “the Regulation”).

### **1. Scope of your request**

You request access to:

‘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 23/01/2020 meeting between cabinet member Annukka Ojala and the European Dairy Association aisbl (EDA)’.

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<sup>1</sup> Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

## **2. Identification and assessment of the relevant documents**

We have identified five documents falling under the scope of your request. You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Since documents No 1, 2 and 3 originate from a third party or include correspondence originating from the third party, the originators of the documents have been consulted in accordance with Art. 4(4) of the Regulation, in order to assess whether on or more of the exceptions established in Article 4 applies to these documents.

Having examined all the documents under the provisions of the Regulation and considered the opinion of the third party, we have come to the conclusion that all the documents can be only partially disclosed as their full disclosure is prevented by an exception to the right of access laid down in Article 4 of the Regulation.

Please find enclosed a copy of the documents without the parts which cannot be disclosed.

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

Documents originating from third parties cannot be re-used without the agreement of the originators, who hold a copyright on it. They do not reflect the position of the Commission and cannot be quoted as such.

Document No 5 was drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Health and Food Safety. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

## **3. Reasons for partial refusal**

With regard to the documents No 1 to 5 listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person such as job categories.

Article 9(1)(b) of the Data Protection Regulation<sup>2</sup> does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to

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<sup>2</sup> 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, OJ L 295, 21.11.2018, p. 39.

you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, 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.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Brussels, or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

For the Director General absent,  
Martin SEYCHELL  
Deputy Director General



Anne BUCHER

Enclosures (only by email): Annex table with the listed documents; documents as listed under section 2 of this letter.