



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

SANTE.A.1/RMR

By registered letter with acknowledgment of receipt¹

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Advance copy by email : ask+request-8324-c00490cc@asktheeu.org

Dear Sir,

**Subject: Your application for access to documents – GESTDEM 2020/5067
(initially registered 2020/4112)**

We refer to your e-mail of 7 July 2020 in which you make a request for access to documents, registered on the same date under the reference number GESTDEM 2020/4112.

We also refer to our request for clarification sent to you on 17 July 2020 and to your reply of 27 July 2020 registered on 27 August under GESTDEM 2020/5067.

1. Scope of your request

Initially, you requested access to:

‘- Any communication between hospitals or health authorities in the European Union and DG SANTE, since the start of the year (January 1st 2020). This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts.

- Any documentation transmitted between EU member states and DG SANTE since the start of the year (January 1st 2020), detailing information on national cyber attacks, cyber threats, weaknesses of cybersecurity systems, across EU health bodies or hospitals.

¹ According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

- Any notification communicated from any public body within the EU to DG SANTE, concerning cyberattacks to hospitals or health authorities in the EU, and any follow up communication between the DG SANTE and the specific body in such cases.

This request extends to any information that the DG SANTE holds in relation any of the above points, including information that may have been deemed short-lived or unimportant.’

In your reply to our request for clarification, you clarified:

‘[S]pecifically on the first point of my enquiry. I can confirm that my request in this regard is limited to communications and information on cyberattacks to hospitals or EU health bodies.’

We consider your request to cover documents held up to the date of the registration of the GESTDEM 2020/5067 (27 August 2020).

2. No documents held

We regret to inform you that the Directorate General for Health and Food Safety (DG SANTE) does not hold any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the DG SANTE, we are not in a position to fulfil your request.

3. Means of redress

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

Yours faithfully,

Anne BUCHER