



EUROPEAN COMMISSION  
Service for Foreign Policy Instruments

Director – Head of Service

Brussels,  
ARES(2020)

***By registered letter with acknowledgment of receipt***

Hengeveld Maria  
King's College  
University of Cambridge  
King's Parade Cambridge  
United Kingdom

***Advance copy by email:***

ask+request-8535-1343fd1d@asktheeu.org

Dear Ms Hengeveld,

**Subject: Your application for access to documents – GESTDEM 2020/5287**

We refer to your e-mail dated 6 October 2020 in which you make a request for access to documents, registered on 7 October 2020 under the above-mentioned reference number.

You request access to documents related to 'WeEmpower Asia' programme.

Specifically, you request documents that contain information “*about the multinational corporations involved in this project; the commitments they have made; which concrete outcomes are pursued; how their progress is measured and what kind of support these companies receive from the EU or UN partners in this project. Documents thus include terms of reference; lists of private sector partners involved, communication with private sector partners; minutes and presentations; and progress overview reports submitted by private sector partners. The timeline is from 2017 until now.*”

The following documents fall within the scope of your application:

- Three relevant annexes to the bilateral contract between UN Women and the European Commission signed on 06 March 2019, reference Ares(2019)1504853, namely:
  - “Annex I – Description of the Action”, produced by UN Women, reference Ares(2019)1504853 (hereafter ‘document 1’);

- “Communications and Visibility Plan”, produced by UN Women, reference Ares(2019)1504853 (hereafter ‘document 1.1’);
- “Results Matrix”, produced by UN Women, reference Ares(2019)1504853 (hereafter ‘document 1.2’);
- E-mail communication “Notification of Budget Re-allocation”, written by UN Women and addressed to the programme manager of the Service for Foreign Policy Instruments (FPI) on 7 August 2019, reference Ares(2019)5302816 (hereafter ‘document 2’);
- “Launching Ceremony Invitations”, which consists of an email exchange between UN Women, EC and EEAS staff, and invitations to speakers created on 29 October 2019, Ares reference del-china.006.95(2019)7463531 (hereafter ‘document 3’);
- “WeEmpowerAsia - Inception Report”, produced by UN Women, addressed to the FPI Regional Team Asia/Pacific on 24 December 2019, reference Ares(2020)5478127 (hereafter ‘document 4’), including the following annex:
  - “Minutes - First Steering Committee Meeting, WeEmpowerAsia Programme”, of 21 November 2019, produced by UN Women, reference Ares(2020)5663806 (hereafter ‘document 4.1’);
- “Communications and Events Plan 2020”, produced by UN Women on 23 January 2020, reference Ares(2020)5478269 (hereafter ‘document 5’);
- “COVID-19 Contingency Plan for WeEmpowerAsia”, produced by UN Women and approved by FPI on 26 Mars 2020, reference Ares(2020)1776243 (hereafter ‘document 6’);
- “WeEmpower Asia - First annual report to the European Union”, produced by UN Women, addressed to the FPI Regional Team Asia/Pacific and approved on 17 August 2020, reference Ares(2020)2763326, including the accompanying cover letter (hereafter ‘document 7’) and email exchange (hereafter ‘document 7.1’), limited to the first interim narrative report (hereafter ‘document 7.2’) and the following annexes:
  - “Result Framework”, produced by UN Women, reference Ares(2020)2763326 (hereafter ‘document 7.3’);
  - “Results Scorecard”, produced by UN Women, reference Ares(2020)2763326 (hereafter ‘document 7.4’);
  - “WEA Communication and Visibility Report”, produced by UN Women, reference Ares(2020)2763326 (hereafter ‘document 7.5’);
  - “COVID-19 Mitigation Report”, produced by UN Women, reference Ares(2020)2763326 (hereafter ‘document 7.6’);

- “COVID-19 Mitigation Work Plan by country”, produced by UN Women, reference Ares(2020)2763326 (hereafter ‘document 7.7’);
- “Compilation of ToRs related to different processes of WEA”, produced by UN Women, reference Ares(2020)2763326 (hereafter ‘document 7.8’).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that that:

- Documents 7.3 and 7.4 may be fully disclosed
- Documents 4, 4.1, 7, 7.1, 7.2 and 7.5 may be partially disclosed
- Documents 1, 1.1, 1.2, 2, 3, 5, 6, 7.6, 7.7, 7.8 may not be disclosed.

Regarding the documents that may be partially disclosed (namely, documents 4, 4.1, 7, 7.1, 7.2 and 7.5), I would like to point out that some parts of the aforementioned documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) and first indent of Article 4(2) of this Regulation. Some of the redacted parts of the documents contain commercially sensitive business information concerning the implementing partner and, hence, article 4(2) of the Regulation is applicable. Additionally, 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;
- pictures of natural persons;
- other information relating to an identified or identifiable natural person.

Regarding documents 1, 1.1, 1.2, 2, 3, 5, 6, 7.6, 7.7, 7.8, I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4(2) first indent of this Regulation.

The annexes to the bilateral contribution agreement falling within the scope of the application, namely document 1 “Annex I – Description of the Action”, document 1.1 “Communication and Visibility Plan” and document 1.2 “Results Matrix”, are part of the bilateral contract between UN Women and the European Commission and therefore, their disclosure would undermine the commercial interests of the implementing partner. Likewise, documents 2, 3, 5, 6 and 7.6, 7.7, and 7.8 cannot be disclosed as they contain sensitive business information and their disclosure would also undermine the protection of the commercial interests of UN Women. For these reasons, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to these documents.

Additionally, parts of the documents to be disclosed contain personal data that cannot be disclosed as the privacy and integrity of individuals would be prejudiced. Therefore, disclosure is prevented by exceptions to the right, outlined in Article 4(1)(b).

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

I have considered whether partial access could be granted to documents 1, 1.1, 1.2, 2, 3, 5, 6, 7.6, 7.7, 7.8. I concluded that it is not possible to grant partial access because the documents are covered entirely by the exceptions mentioned above.

Concerning the parts of the documents falling under the exception of art. 4(2) first indent, I would like to point out that the exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. It was examined whether there could be an overriding public interest in disclosure, but such an interest could not be identified.

Concerning document 4.1 which consist of minutes of a meeting with external parties, please note that this document was drawn up for internal use under the responsibility of the relevant officials of the Service for Foreign Policy Instruments (FPI). It solely reflects the services' interpretation of the interventions made and does not set out any official position of the third parties to which the document refers. It does not reflect the position of the Commission and cannot be quoted as such.

Please note that the documents 4, 4.1, 7, 7.1, 7.2, 7.3, 7.4, and 7.5 originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

I would like to take the opportunity to share with you the location of other documents, which are already publicly available on the project website and may be relevant to your application:

- "Guidance Note for Action: Women as a Force for Accelerated and Inclusive Economic Recovery Post-COVID-19 in Asia-Pacific", which can be downloaded from <https://asiapacific.unwomen.org/en/digital-library/publications/2020/03/wea-post-covid-19-in-asia-pacific>
- "Guidance Note for Action: Gender-Sensitive Private Sector Response to COVID-19 for Accelerated and Inclusive Economic Recovery", which can be downloaded from

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<sup>1</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.

<https://asiapacific.unwomen.org/en/digital-library/publications/2020/04/guidance-for-action-gender-sensitive-private-sector-response-to-covid-19>

- Guidance Note for Action: Addressing the Emerging Impacts of the COVID-19 Pandemic on Migrant Women in Asia and the Pacific for a Gender-Responsive Recovery, which can be downloaded from <https://asiapacific.unwomen.org/en/digital-library/publications/2020/04/guidance-for-action-addressing-the-emerging-impacts-of-the-covid-19-pandemicnder-responsive-recovery>
- “Guidance Note for Action: Supporting SMEs to Ensure the Economic COVID-19 Recovery is Gender-Responsive and Inclusive “, which can be downloaded from <https://asiapacific.unwomen.org/en/digital-library/publications/2020/04/guidance-note-for-action-supporting-smes-to-ensure-the-economic-covid-19-recovery>
- “Private Sector Pulse Check – The Effects of the COVID-19 Pandemic on Women and Businesses: A Survey of 65 CEOs and Business Leaders in Asia and Europe”, which can be downloaded from <https://asiapacific.unwomen.org/en/digital-library/publications/2020/07/private-sector-pulse-check---the-effects-of-the-covid-19-pandemic-on-women-and-businesses>.

You can also find the contact information of the UN Women project team of the ‘WeEmpowerAsia’ project on the dedicated website under the following address: <https://asiapacific.unwomen.org/en/focus-areas/women-poverty-economics/weempowerasia>.

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 Secretary-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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Hilde HARDEMAN

Annexes:

- Document 4: “WeEmpowerAsia - Inception Report”, reference Ares(2020)5478127;
- Document 4.1: “Minutes - First Steering Committee Meeting, WeEmpowerAsia Programme”, reference Ares(2020)5663806;
- Document 7: “WeEmpower Asia - First annual report to the European Union – Cover Letter”, reference Ares(2020)2763326;
- Document 7.1: Email exchange accompanying the first interim report, reference Ares(2020)2763326;
- Document 7.2: the first interim narrative report, reference Ares(2020)2763326;
- Document 7.3 “Result Framework”, produced by UN Women, reference Ares(2020)2763326;
- Document 7.4: “Results Scorecard”, produced by UN Women, reference Ares(2020)2763326;
- Document 7.5: “WEA Communication and Visibility Report”, produced by UN Women, reference Ares(2020)2763326.