



EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

LEONARDO CERVERA NAVAS
DIRECTOR

Mrs Nicole MAES

by email only: ask+request-8729-59d6d69f@asktheeu.org

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Please use edps@edps.europa.eu for all
correspondence

Subject: Your request for access to documents under Regulation (EC) 1049/2001

Dear Mrs Maes,

By letter of 14 January 2020, we informed you that the EDPS cannot provide you with access to the documents related to your request of access to documents linked to EDPS mapping exercise and DPIA as they fall within the exceptions of art. 4(3) of Regulation 1049/2001.

On 22 January 2021, you submitted a confirmatory application, reiterating your request for access to documents by arguing that i) *“the report that yourself confirmed exists must be considered as final; hence it cannot fall under the exception of art. 4(3)”*, ii) EDPS did not provide the status or information if any other document exists at all, iii) *“the exceptions of art. 4(3) of Regulation 1049/2001 cannot apply”* as EDPS *“did not provide any argument or explanation at all on why disclosure would seriously undermine the decision making process”* and iv) existence of *“overriding public interest for disclosure”*.

We have carefully re-examined your request and your arguments. EDPS understands the need of the public for information and fully supports it by addressing all issues of interest via the available information channels. However, in your particular request, we remain at our initial position that the documents in question fall under art. 4(3) of Regulation 1049/2001. The specifically requested documents, although under different circumstances could be regarded as finalised state, are integral and inseparable part of a larger ongoing decision-making process. Revealing the documents at this stage will seriously undermine the trust and spirit of cooperation among the European Institutions and will jeopardise the outcome of the process. Consequently, the harm to the interests of the public will be greater than any possible benefits. Of course, after adopting the final decision on the matter, all documents related to it shall be publicly available.

As regards of any other documents that may fall within the scope of your request, we cannot confirm their existence or number as they are part of ongoing procedures and thus their status or number is still pending.

Finally, please note that pursuant to Article 8(1) of the Regulation (EC) 1049/2001, you are entitled to make a complaint to the European Ombudsman or institute proceedings before the Court of Justice of the European Union against the EDPS, under the conditions laid down in, respectively, Article 228 and 263 of the Treaty on the Functioning of the European Union.

Yours sincerely,



Leonardo CERMEBA NAVAS

Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 (the Regulation) 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, we are processing your personal data, where proportionate and necessary, for the purpose of answering your request. The legal base for this processing operation is Regulation (EC) 1049/2001 and Article 52(4) of the Regulation (EU) 2018/1725. Subject to applicable rules under EU legislation, the personal data relating to you, as provided in your request as well as personal data that might be collected while processing your request, are used solely for the purpose of replying to your request. EDPS staff members dealing with the request will have access to the case file containing your personal data on a need-to-know basis. All access to case files is logged. Your personal data are not disclosed outside the EDPS. Your personal data will be stored electronically for a maximum of ten years after the closure of the case, or as long as the EDPS is under a legal obligation to do so. You have the right to access your personal data held by the EDPS and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. We will consider your request, take a decision and communicate it to you. For more information, please see Articles 14 to 21, 23 and 24 of the Regulation. Please note that in some cases restrictions under Article 25 of the Regulation may apply. Any request to exercise your rights should be addressed to the EDPS at edps@edps.europa.eu. You may contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You have the right to lodge a complaint with the EDPS, as supervisory authority. Any such request should be addressed to the EDPS at edps@edps.europa.eu. You can reach the EDPS in the following ways: E-mail: edps@edps.europa.eu; EDPS postal address: European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium. For more information, please refer to the extended version of the data protection notice available on the EDPS website: https://edps.europa.eu/data-protection/our-work/publications/other-documents/requests-access-documents_en.