



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

The Director-General

Brussels, 12th March 2021
CNECT/RV

Mr Peter Teffer
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Bemuurde Weerd WZ 3
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The Netherlands

Advance copy via emails:

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REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT

**Subject: Your applications for access to documents- GestDem 2021/0303 and
GestDem 2021/0313**

Dear Mr Teffer,

We refer to your emails dated 18 January 2021 wherein you make two requests for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter ‘Regulation 1049/2001’), registered under the abovementioned reference numbers. We also refer to our holding replies, dated 9 February 2021, our reference Ares(2021)1115538 and Ares(2021)1116136, respectively, whereby we informed you that the time limit for handling your applications was extended by 15 working days pursuant to Article 7(3).

1. SCOPE OF YOUR APPLICATIONS

By your application GestDem 2021/0303, you requested access to:

‘ [...] documents which contain the following information:

All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, briefings, e-mails, letters, and presentations - related to all contact Commissioner Thierry Breton, his cabinet members and all Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs staff has had with Ms Madeleine de Cock Buning, Vice President for Public Policy, Europe, Middle East and Africa, of Netflix, in 2020 and 2021 [...]

By your application GestDem 2021/0313, you requested access to:

'[...]documents which contain the following information:

All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, briefings, e-mails, letters, and presentations - related to all contact Commissioner Mariya Gabriel, Director-General Roberto Viola and other DG Connect staff has had with Ms Madeleine de Cock Buning, Vice President for Public Policy, Europe, Middle East and Africa, of Netflix, in 2020 and 2021[...]'.

Please note that due to its scope, your application GestDem 2021/0303 that you addressed to the Directorate - General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) was re-attributed to the Directorate- General for Communications Networks, Content and Technology (DG CONNECT). Your application GestDem 2021/0313 has been split between:

- a) DG CONNECT under reference number GestDem 2021/0313,
- b) Directorate-General for Education, Youth, Sport and Culture (DG EAC), under reference number GestDem 2021/0314.

This reply relates only to the reference numbers GestDem 2021/0303 and GestDem 2021/0313. You will receive a separate reply related to GestDem 2021/0314 from the other respective Directorate-General in due course.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUESTS AND ASSESSMENT UNDER REGULATION 1049/2001

Your requests concern contacts with a particular representative of Netflix. Disclosure of any information related to this natural person would entail a transmission of personal data falling under the provisions of Regulation (EU) 2018/1725 (the 'Data Protection Regulation')¹. We therefore regret to inform you that we are not in a position to specify any documents that fall within the scope of these requests and give access to them, as such disclosure is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) of Regulation 1049/2001.

Article 9(1)(b) of the Data Protection Regulation 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 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) Regulation 1049/2001, no information about the relevant documents and no access can be granted as the need to obtain access thereto for a purpose in the public interest has not been substantiated and

¹ 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.

there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of these documents.

Please note that in case you are interested in documents related to contacts and meetings of the Commissioner and his Cabinet or of DG CONNECT with this company in general and not with a particular representative, you may submit an access to documents request and we will again examine it according to the provisions of Regulation 1049/2001.

3. CONFIRMATORY APPLICATION

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

Yours sincerely,

(e-Signed)
Roberto Viola