



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels
SANTÉ.

***By registered letter with acknowledgement
of receipt¹***

BAYER Lili
POLITICO Europe
Rue de la Loi 62
Brussels 1040
Belgium

Advance copy by email:

ask request-9468-
1e9cb4bd@asktheeu.org

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2020/3111

We refer to your email dated 11 May 2021 in which you make a request for access to documents, registered on 12 May 2021 under the above-mentioned reference number.

We further refer to our email dated 7 June 2021 extending the time limit for responding to your request pursuant to Article 7(3) of Regulation (EC) No 1049/2001².

1. Scope of your request

In your application, you request on the basis of Regulation (EC) No 1049/2001 access to:

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.

² Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

“Any correspondence between DG SANTE and Doctors Without Borders (MSF) during the time period between November 2020 and February 2021. Any internal notes or correspondence among DG SANTE staff which mention Doctors Without Borders”.

2. Identification and assessment of the documents

We have identified 14 documents falling under the scope of your request.

You will find enclosed 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 some documents originate from third party, in accordance with Art. 4(4) of Regulation (EC) 1049/2001, the originators of the documents have been consulted in order to assess whether an exception established in Article 4 applies to these documents.

Having examined these documents under the provisions of Article 4 of Regulation (EC) No 1049/2001 and considered the opinion of the third party, we have come to the following conclusion:

- documents, numbered 1, 2, 3, 5, 9, 10, 11, 12, 13, 14 can be partially disclosed as their full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.
- documents, numbered 4, 6, 7, 8 can be fully disclosed.

We enclose a copy of the documents.

Please note that in documents 11 and 12 parts falling outside the scope of the request have been redacted and labelled “out of scope”.

Please note that the documents 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.

The minutes/BTO/ reports of meetings with external parties are documents drawn up for internal use under the responsibility of the relevant services of the Directorate-General SANTE. 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, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and 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.

3. Reasons for partial disclosure

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001.

With regard to the documents numbered 1, 2, 3, 5, 9, 10, 11, 12, 13 and 14 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 titles or functions.

Article 9(1)(b) of the Data Protection Regulation³ 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.

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.

Therefore the documents listed above are disclosed redacted of the parts containing personal data.

4. Means of redress

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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:

³ 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.

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Sandra GALLINA

Enclosure: List of the documents and disclosed documents