



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

The Director-General

Brussels, 17th September 2021
CNECT.R.4

Ms Lora Verheecke
9 rue du Bronze
1070 Bruxelles
Belgium

Advance copy by email:
ask+request-9750-41b3fd72@asktheeu.org

REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT

Subject: Your request for access to documents - GestDem 2021/4422 & 2021/4700

Dear Ms Verheecke,

We refer to your e-mails of 6 and 24 July 2021 in which you make 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 on 7 and 24 July 2021 under the above-mentioned reference numbers. We also refer to our holding replies, dated 29 July 2021 (our reference Ares(2021)4846106) and 16 August 2021 (our reference Ares(2021)5133352), whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

By your applications to the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) which were attributed to the Directorate-General for Communications Networks, Content and Technology (DG CONNECT), you request access to the following:

GestDem 2021/4422:

'(...) All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, transcripts and recordings) AND the

meeting minutes/notes relating to the meeting between Thierry Breton and Bouygues on 15th June 2021. (...)

GestDem 2021/4700:

'(...) All documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 15th June 2021 between Fabrice Comptour and Bouygues (...)

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

We identified the following documents as falling within the scope of your request:

- BASIS (CAB BRETON 1010) - Meeting with Bouygues Telecom on 15 June 2021 (**Document 1**);
- BASIS (CAB BRETON 1010) – CV (**Document 2**);
- Report meeting Bouygues Telecom - 15/06/2021(**Document 3**).

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001 we have arrived at the conclusion that partial access can be granted to two documents and access must be refused to the remaining document. Full and partial disclosure is prevented by an exception to the right of access laid down in Article 4 of Regulation 1049/2001.

A. Partial disclosure

Full disclosure of Documents 1 and 3 is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since the documents contain the following personal data:

- the names, functions and contact information of Commission staff members not pertaining to the senior management;
- Names, functions, CV details and contact information of other natural persons;
- other information relating to an identified or identifiable natural person.

Article 9(1)(b) of the Data Protection Regulation¹ 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.

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.

Consequently, I conclude that, pursuant to Article 4(1)(b) Regulation 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.

B. Non-disclosure

We regret to inform you that access to Document 2 cannot be granted as disclosure is prevented by the exception concerning the protection of privacy and integrity of the individual provided in Article 4(1)(b) Regulation 1049/2001 for the same reasons as set out in Section 3.A.(i) above. Following the redactions of the personal data, the remaining parts of Document 2 have become meaningless. For this reason, access to Document 2 is refused in full.

4. REUSE OF DOCUMENTS

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 disclosed Documents 1 and 3 originating from the Commission 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.

Documents 1 and 3 were drawn up for internal use under the responsibility of the relevant service. It solely reflects the service's interpretation of the interventions made and does not set out any official position of the third party 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.

5. 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 faithfully,

Roberto Viola
Electronically signed

Enclosures: (2)