



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Director-General

Brussels,
JUST.01.002/Ares(2021)8225233

Ms Rachel Cox

By e-mail:
[ask+request-9833-
c0080095@asktheeu.org](mailto:ask+request-9833-c0080095@asktheeu.org)

Subject: Your application for access to documents – GESTDEM 2021/5336

Dear Ms Cox,

We refer to your e-mail of 04/08/2021 in which you make a request for access to documents, registered on 01/09/2021 under the above mentioned reference number.

You request access to:

“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 2021-06-10 between Didier Reynders and Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.”

Your application concerns the following document:

- briefing for the meeting.

A complete disclosure of the identified document 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.

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 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

What is more, we would like to note that pages 3-7 of the briefing were drafted for internal use for reflections/deliberations/consultations on which a decision has been taken already but the full disclosure of such documents would seriously undermine the Commission's decision-making process in the ongoing interinstitutional discussions on the Commission's legislative initiative on sustainable corporate governance. They would reveal views, policy options and negotiation positions which are currently under consideration; the Commission's services must be free from external pressure to explore all possible options in preparation of a decision. Therefore the exception laid down in Article 4(3) second subparagraph of Regulation (EC) No 1049/2001 applies to these documents and they cannot be released fully.

This document was drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Justice and Consumers. It solely reflects the service's 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.

In case you would disagree with this position, 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:

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

According to standard operational procedure, the reply to a request for access to documents is usually sent by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 pandemic, 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 by replying to JUST-ACCES-DOCUMENTS@ec.europa.eu.

Yours faithfully,

(e-signed)
Anna GALLEGO TORRES