



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.A.4/LA

By registered letter with acknowledgment of receipt

Ms. Naomi Hirst
Rue Belliard 53
1000 Brussels
Belgium

Advance copy by email:
[ask+request-10024-
f40c2bbe@asktheeu.org](mailto:ask+request-10024-f40c2bbe@asktheeu.org)

Subject: Your application for access to documents – GESTDEM 2021/5992

Dear Madam,

We refer to your e-mails of 8 October 2021 in which you make a request for access to documents, registered on 11 October 2021 under the above-mentioned reference numbers.

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 2021-09-07 between Monika Maglione and Asa Webber and Apple Inc..”

Please note that this reply relates only to the documents under the responsibility of the Directorate-General for Migration and Home Affairs. The Directorate-General for Migration and Home Affairs is responsible for the documents of the following meetings:

- 7 September 2021: Meeting between Åsa Webber, Monika Maglione, Morella Siemers, Antonio Labrador Jimenez and Apple

As a result, your application concerns the following documents:

- Document 1 – Ares(2021)6794501 – Flash report - meeting with Apple, 07/09/2021

- Document 2 – Ares(2021)6795538– Briefing of meeting with Jane Horvath, Chief Privacy Officer at Apple

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that documents 1 and 2 may be partially disclosed. Some parts of those documents 1 and 2 have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in the first indent of Article 4(1)(a) and in Article 4(1)(b) of this Regulation.

The reasons for refusing disclosure of parts of the said documents are explained below.

1. Protection of public security – Article 4(1)(a) first indent of Regulation 1049/2001

A full disclosure of the document 2 would undermine the protection of the public interest as regards to public security pursuant to Article 4(1)(a) first indent of Regulation 1049/2001.

Document 2 contains sensitive information related to the identification and development of technical solutions for the protection and online security of children and the possibilities for their practical implementation. The public dissemination of those elements and the underlying analysis may be used by stakeholders whose cooperation is key in those policies to adopt positions that would be detrimental to achieving effective results. The disclosure of this information would undermine the effectiveness of these protection measures as well as EU policies in the fight against child sexual abuse online and would likely affect public security.

Please note that there is no requirement to balance the exception under Article 4(1)(a) first indent of Regulation 1049/2001 concerning public security against an overriding public interest in disclosure.

2. Protection of decision-making process - Article 4(3) first paragraph of Regulation 1049/2001

A full disclosure of the document 2 would undermine the protection on an ongoing decision-making process pursuant to Article 4(3) of Regulation 1049/2001.

Document 2 contains internal considerations and assessments related to Apple's child safety measures, and how these measures relate to ongoing processes, namely the work on legislation addressing child sexual abuse online, and the reflection on the issue of encryption in criminal investigations. The disclosure of this information would reveal preliminary views and strategy options which were being considered, and thus undermine the institutions' decision-making process, as it would deter staff from making such remarks independently and without being unduly influenced by the prospect of wide disclosure exposing the institution and services to which the civil servants belong.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

I observe that you have not provided any arguments to support any pressing need for the public to obtain access to the documents. I have also examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

3. Protection of personal data– Article 4(1)(b) of Regulation 1049/2001

With regard to documents 1 and 2, 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 institutions or natural persons;
- other information, such as photographic material, relating to an identified or identifiable natural person.

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 neither express any particular interest to have access to these personal data, nor put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

3. Disclaimer

These documents were drawn up for internal use under the responsibility of the relevant services of the European Commission. They solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

4. Means of redress

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

Yours sincerely,

Monique PARIAT