



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES

The Director-General

Brussels
GROW.B.1/MS

Ms Kenneth Haar
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1415 Copenhagen
Denmark

By email: ask+request-10424-
a5afe8db@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/8314

Dear Mr Haar,

We refer to your e-mail of 20 December 2021, registered on 22 December 2021, in which you make a request for access to documents under the above-mentioned reference number.

1. Identification of documents falling within the scope of the request

You request access to: *“All communication regarding working conditions of platform workers between Commissioner Breton, his cabinet, and DG Internal Market, Industry, Entrepreneurship and SMEs AND stakeholders who represent internet platforms, including company representatives, consultancies and representatives of associations, from 1. January 2021, including - Emails - Minutes of meetings, including phone calls and meetings online - any documents exchanged”*.

We have identified the 15 documents that fall within the scope of your request and which are listed in the enclosed table.

Please note that 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 originators, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

2. Assessment of the documents under Regulation 1049/2001

Protection of personal data:

With regards to the remaining documents, except for documents 4, 9 and 12, a complete disclosure of the 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 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;
- other information relating to identified or identifiable 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 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.

Protection of sensitive commercial information:

Concerning documents 10 and 15, I have come to the conclusion that the disclosure in their entirety is also prevented by exception to the right of access laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001.

These documents contain commercially sensitive business information of the companies that submitted them. Disclosure of this information would undermine their competitiveness and commercial interests in the context of a competitive market environment in which they operate.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document/documents. I have examined the overriding public interest. In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such ground either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

3. 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
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels,

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

Yours faithfully,

Electronically signed

Kerstin Jorna
Director-General

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