



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate C: Fundamental rights and Rule of Law
Unit C.3: Data protection

Brussels, 14/02/2022
JUST.C3/ks (2022)1086138

*By registered letter with acknowledgment
of receipt*

Ms Rachael Byrne
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Ireland

Advance copy by email
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Subject: Your application for access to documents – GESTDEM 2022/0784

Dear Madam,

We refer to your request for access to documents, registered on 07/02/2022 under the above mentioned reference number.

You request access to the letter(s) or other communications from the Commission to:

- the Article 29 Working Party (A29WP);
- the European data protection supervisory authorities; and
- the European Data Protection Board;

and any responses or subsequent correspondence or communications, regarding the Commission's concerns over the A29WP Guidelines on the right to data portability (WP 242).

Your application concerns the following documents:

Letter from Commissioner V. Jourovà to Ms I. Falque-Pierrotin, Chair of the Art. 29 Working Party, dd 04/04/2017, Ref. Ares(2017)1790040

Letter from Ms I. Falque-Pierrotin, Chair of the Art. 29 Working Party, to Commissioner V. Jourovà, dd 16/05/2017, Ref. Ares(2017)2489183

With regard to the documents listed above, 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:

- handwritten signatures/abbreviated signatures of 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, 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.

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.

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

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,

Olivier MICOL
Head of Unit