

EUROPEAN EXTERNAL ACTION SERVICE



DG Resource Management
The Director-General

Brussels, 2 May 2022

eeas.sg.2 (2022) 3482038

Mr Maximilian Henning
by electronic mail

Subject: **Your confirmatory request for access to documents**

Our ref: 2022/030

Dear Mr Henning,

I would like to thank you for your confirmatory application of 25 April 2022 following your request for access to documents (EEAS ref: 2022/030).

As requested, I have examined the decision of 12 April 2022 not to grant you access to the *“Note from Mr Christian Berger (Head of the European Commission Technical Assistance Office to West Bank and Gaza Strip, UNRWA) to the attention of Mr Thierry de Saint Maurice (Director Relex.K), written on 26/10/2009 and registered on 30/10/2009 with Ref. Ares(2009)301941”*.

After carefully assessing the arguments in your confirmatory application letter, I regret to inform you that they did not lead us to reverse our position.

As our services explained in the initial reply, the public disclosure of this document would harm the privacy and the moral integrity of the natural persons mentioned in the report, as well as the reputation of the company and its legitimate commercial interests.

Therefore, its release to the public would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data, as well as commercial interests of a legal person, as per Article 4(1)(b) and Article 4(2), first indent of the Regulation 1049/2001.

The EEAS considered whether there is an overriding public interest in disclosure of parts of document and took the view, as regards your reference to the growing public scrutiny on the private security industry, that such an argument of a general nature is in any case not sufficient to override the individuals' fundamental rights and the

commercial interests of a legal person protected under Article 4(1)(b) and Article 4(2), first indent of that Regulation.

For all these reasons, I hereby confirm that the above-mentioned document cannot be released to the public, neither fully nor partially.

Should you not be satisfied with this response, you have a right, in accordance with Article 8 of the Regulation, to institute court proceedings against the European External Action Service and/or make a complaint to the Ombudsman, under the conditions laid down in Articles 263 and 228 of the Treaty of the Functioning of the EU respectively.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G. Di Vita', with a stylized flourish at the end.

Gianmarco Di Vita