To
Mr Alexander Fanta
by electronic mail

Subject: Your request for access to documents of 25 April 2022
Our ref: 2022/072

Dear Mr Fanta,

I refer to your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.

Following your request, we have searched for the following documents “1. Memos, guidance, guidelines, or training material (or any other document) for staff on record creation and/or record keeping [...] particularly [...] documents that refer to creation/keeping of text messages. 2. All documents on the processing of access to documents requests according to Regulation 1049/2001”, in the EEAS filing systems and documents management databases.

As regards the first point of your request, we would like to underline that EEAS has not yet adopted its own decision on records management and archives and it has been applying the Commission one since its creation. Hence, for the time being, the EEAS largely reproduces or refers to European Commission Guidelines and training material for its staff.

We are, however, pleased to forward you the below identified documents responding to the first part your request, in attachment to this letter:

1. Commission Decision (EU) 2021/2121 of 6 July 2020 on records management and archives;
2. SEC(2020) 800 Implementing Rules for Decision C(2020) 4482 on records management and archives;
3. Annex to note Ares(2012)1192970 ‘Registration of documents in the EEAS’ (annex 2);

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2 This document can be downloaded here: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D2121&from=IT.
3 This document can be downloaded here: https://ec.europa.eu/transparency/documents-register/detail?ref=SEC(2020)800&lang=en

5. Last version of slides “Introduction to EEAS Document management and Ares”.

We also use the following guidelines created by the European Commission:

8. Ares User guide;

After consultation of the European Commission as author of these documents, we have reached the conclusion that full access shall be granted to documents 6.a and 10 and wide partial access to documents 6, 7, 8 and 9 only subject to redactions due to the protection of personal data as per point (b) of Article 4(1) of Regulation (EC) No 1049/2001 for the reasons set out below.

Indeed, the latter documents contain personal data such as the names, functions, contact details of persons, including those who do not form part of the senior management of the European Commission.

With reference to the second point of your request, we are pleased to forward you the below identified documents in attachment to this letter:

11. Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to documents;
12. Internal guidelines on how to deal with a request for access to documents. The document has been redacted to remove personal data as per Article 4(1)(b) of the Regulation.

I take this opportunity to remind you that the documents provided may be reused on condition that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the EEAS does not assume liability stemming from their reuse. In case of doubt on reuse, please do contact the EEAS for prior authorisation.

Should you wish this position to be reviewed, you may confirm your initial request by lodging a confirmatory application within 15 working days in accordance with Article 7(2) of the Regulation 1049/2001.

Yours sincerely,

[e-signed]

Nereo Penalver Garcia

Electronically signed on 21/06/2022 18:01 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121