Practical information on Access to Documents requests

DIGIT Management Meeting, 02 May 2022

DIGIT A3.001

DIGIT AtD Coordinator

Receives AtD requests (via the functional mailbox)

Checks admissibility / ask for further clarifications

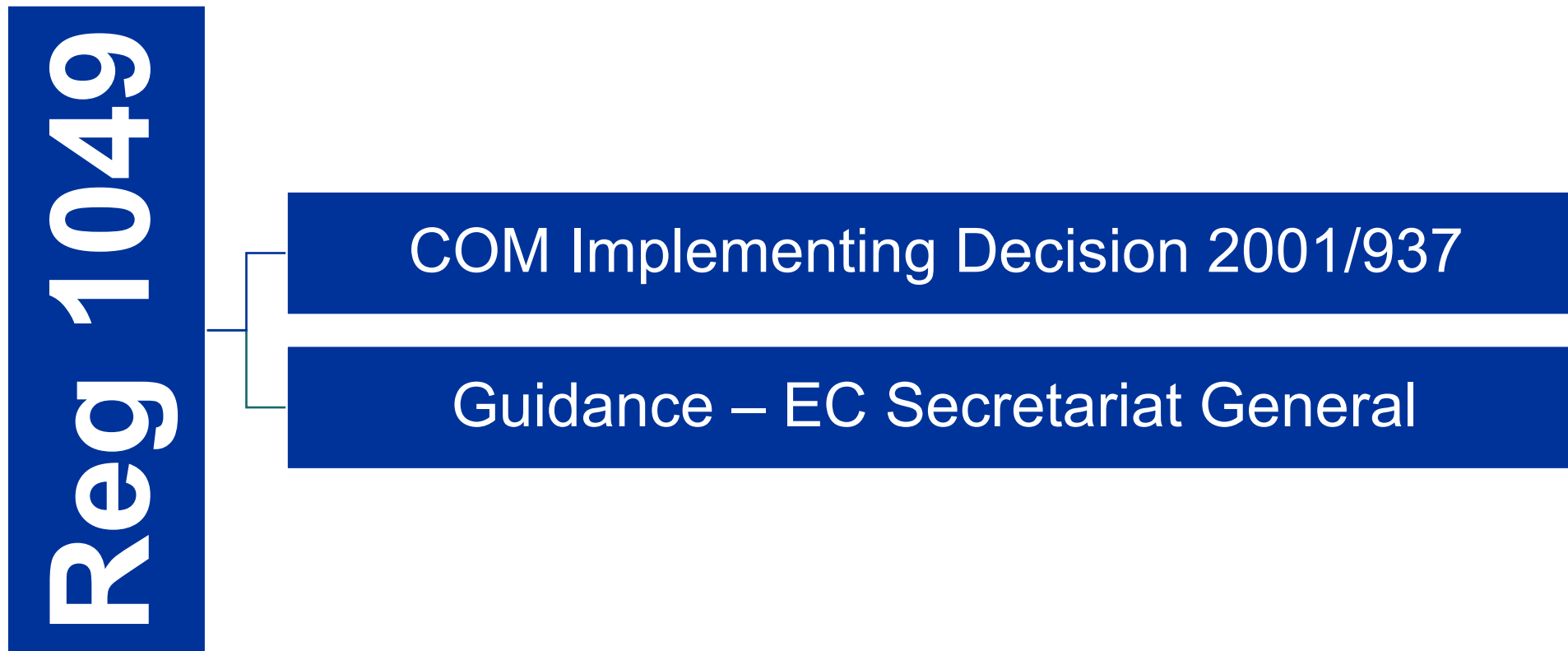Identifies documents falling under the scope of the request

Liaises with Unit(s)/Sector(s) responsible for the documents

Drafts reply and follows-up

Ensures the deadlines are respected

Liaises with SG

European Commission

Regulation (EC) No. 1049/2001

Reg 1049

COM Implementing Decision 2001/937

Guidance – EC Secretariat General

European Commission

Document – as defined by Reg. 1049

any content

whatever medium

concerns a matter relating to policies, activities and decision

European Commission

Exemptions

Art. 4(1)(a)	Art. 4(1)(b)	Art. 4(2)	Art. 4(3) 1 para.	Art. 4(3) 2 para.

• Public interest:
  • Public security
  • Defence and military matters
  • International relations
  • Financial, monetary or economic policy of the Community or of a MS
	• Privacy and integrity of the individual – protection of personal data	• Commercial interests of a natural/legal person, including IP
		• Court proceedings and legal advice
		• Purpose of inspections, investigations and audits
			• **During decision making**: disclosure would seriously undermine the institution's decision-making process	• **After decision has been made**: disclosure would seriously undermine the institution's decision-making process

Absolute exemption	Absolute exemption	Relative exemption	Relative exemption	Relative exemption
		• Applies unless there is an overriding public interest in disclosure	• Applies unless there is an overriding public interest in disclosure	• Applies unless there is an overriding public interest in disclosure

European Commission

Recommendations on registration (Ares)

1st Q Is the document related to policies, activities or decisions falling within the institution's sphere of responsibility?

2nd Q Is the info contained in the document important and not short-lived?

3rd Q Is the Document drawn up or received by the COM?

European Commission

Recommendations on doc. creation (potentially public)

Be mindful of the language used – <u>please exclude:</u>

- strong and/or subjective opinions
- speculations not based on facts
- inappropriate style (sarcasm, humorous expressions, personal remarks, etc).

Examples

- Formal notes and comm.
- ISC contributions
- Meetings' minutes (especially with external stakeholders)
- Info received from/sent to MS or EUIs

European Commission

What previous requestors have asked for?

- Info on PD transfers outside the EU including TIAs –no docs held reply

- PM² Programme Management Guide vers. X.y – positive reply

- Any doc with no. of staff with BG keyboard – no docs held reply

- Contact between COM and external stakeholders on GayaX, including intra COM comm. – partial disclosure of external PPT + internal interview (redacted for PD)

- Information on the "*opening of tenders for outside services for development, advice and support in the field of information systems, reference no. xxxxx*" – partial reply, letter translated in PL

Thank you – any questions?

European Commission