Subject: Your application for access to documents – EASE 2023/0697

Dear Ms. Da Silva,

I refer to your request of 2 February 2023 to access to documents under Regulation (EC) No 1049/2001 ("Regulation 1049/2001").

1. SCOPE OF YOUR REQUEST

Under the present request EASE 2023/0697, you are requesting access to "correspondence, emails, notes from phone calls, and any other documents relating to exchanges with interest representatives about the EU-India TTC" as well as "briefings, summaries/readouts of meetings with externals to discuss the EU-India TTC".

We have identified a total of 6 documents that fall under the scope of your application:

- Document 3: Annex to the report of the meeting with FoodDrinkEurope – List of participants.

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2. **ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001**

Having examined the requested documents under the applicable legal framework, I am pleased to grant you **partial access to the six above documents**:

- Elements that are **not within the scope of your request** were redacted in documents 1, 2, 4, 5 and 6.

- Additionally, **names and other personal data** were redacted in all six documents.

The applicable exceptions are explained below.

2.1. **PROTECTION OF PRIVACY AND THE INTEGRITY OF THE INDIVIDUAL, IN ACCORDANCE WITH ARTICLE 4(1)(B) OF REGULATION 1049/2001**

2.1.1. ‘Personal data’

Certain personal data in documents 1 - 6 must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, as these include some of the following information:

- the names/initiats and contact information of Commission staff members not pertaining to the senior management;

- the names/initiats and/or contact details of other natural persons;

- handwritten signatures/abbreviated signatures of natural persons;

- other information relating to an identified or identifiable natural person.

To this regard Article 4(1)(b) of Regulation 1049/2001 provides that '[t]he institutions shall refuse access to a document where disclosure 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'.

The applicable legislation in this field is Regulation (EU) No 2018/1725\(^2\) (hereafter ‘Regulation 2018/1725’ or ‘Data Protection Regulation’).

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Article 3(1) of Regulation 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person […]’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data. Please note in this respect that the names, signatures, functions, email addresses, telephone numbers etc., and/or initials pertaining to staff members of an institution are to be considered personal data, as well as those of individuals belonging to third parties. As already indicated above, both documents contain such personal information.

2.1.2. Question of ‘transfer’ of personal data and conclusion

Article 9(1)(b) of Regulation 2018/1725 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, I conclude that, pursuant to Article 4(1)(b) of Regulation 1049/2001, access cannot be granted to the personal data, 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.

3. PARTIAL ACCESS

Pursuant to Article 4(6) of Regulation 1049/2001 "[i]f only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released". After a careful review, we have concluded that we can release documents 1 - 6 with the exception of the information redacted.

A copy of the accessible document is enclosed.

4. DISCLAIMERS(S)

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on Commission Decision 2011/833/EU of 12 December 2011 on the re-use of Commission documents. You may reuse the documents disclosed free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, and that you do not

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distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Furthermore, please note that documents containing content of third party origin, i.e. either documents originating from third parties or documents containing parts of third party origin, are disclosed to you based on Regulation 1049/2001. However, disclosure of such contents or documents of third party origin 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 the reuse of those documents or parts of documents.

POSSIBILITY OF A CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make 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, either by

- email to sg-acc-doc@ec.europa.eu, or
- letter to the following address:

  European Commission
  Secretariat-General
  ‘Transparency, Document Management & Access to Documents’ (unit SG C.1)
  BERL 7/76
  Rue de la Loi 200/Wetstraat 200
  1049 Brussels
  Belgium

Yours sincerely,

[Signature]

Sabine WEYAND
p.o. Denis REDONNET

Enclosures (6):
1. Report of meeting with IFPI dated 7 June 2022;
2. Report of meeting with FoodDrinkEurope dated 12 July 2022;
3. Annex to report of meeting with FoodDrinkEurope – List of participants;
4. Report of meeting with DigitalEurope dated 21 September 2022;
5. Report of meeting with Tata Consultancy Services dated 9 November 2022;