Subject: Your application for access to documents – EASE 2024/0203

Dear Ms Herten-Crabb

I refer to your application dated 12 January 2024, registered on the same date under the above mentioned EASE reference number, in which you make a request for access to documents under Regulation (EC) No 1049/2001¹ (‘Regulation 1049/2001’).

1. SCOPE OF YOUR REQUEST

You have been requesting public access to the following documents:

- a list of lobby meetings between DG Trade staff and the European Federation of Pharmaceutical Industries and Associates from 2015 to 2019. As well as all documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations, correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) – related to: DG trade interactions with the European Federation of Pharmaceutical Industries and Associates on the issue of the EU-MERCOSUR trade negotiations between 2015 and 2019.

We have identified 8 documents falling within the scope of your request

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Having examined the requested documents under the applicable legal framework, I am pleased to inform you that full public access is granted to documents 02 and 04, and that partial access is granted to documents 01, 03, 05-08 with only personal data redacted. A complete disclosure of the 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 1049/2001 (for details please see below).

Copies of the accessible documents in their redacted version are enclosed to the present letter.

2.1. Protection of privacy and the integrity of the individual – Article 4(1)(b) of Regulation 1049/2001

2.1.1. ‘Personal data’

We disclose the identified documents 01, 03, 05-08 only partially, as they contain certain personal data, which must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, namely:

- the names/initiars and contact information of Commission staff members not pertaining to the senior management;
- the names/initiars and/or contact details of other natural persons – other than Commission staff members;
- 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 2018/17252 (hereafter ‘Regulation 2018/1725’ or ‘Data Protection Regulation’).

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.3 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 data4, as well as those of individuals belonging to third parties. As already indicated above, documents 01, 03, 05-08 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.

2.2. Disclaimer(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 documents5. 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 distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

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3. 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

- **by asking for a review via your portal** account (available only for initial requests submitted via the portal account), or
- **by email** to sg-acc-doc@ec.europa.eu, or
- **by letter post** 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,

Peter KOVACS
Head of Unit

Enclosure(s): Documents 01-08

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