Subject: Your application for access to documents EASE 2024/0707

Dear Mr Coronel-Crespo,

We refer to your request for the European Commission documents, registered on 6 February 2024 under the above-mentioned reference number.

You requested the following documents:

“1) The internal organigram of DG FISMA units A.1, B.1, B.2, and C.1. This request focuses solely on obtaining the names and positions of individuals currently occupying roles within the administrator (AD5 to AD 14) and assistant (AST1 to AST11) categories within these units. Additionally, if feasible, kindly include details regarding contract staff, temporary staff, trainees, and seconded national experts in response to this request.

2) If available, please provide any pertinent documents, specifically internal organizational charts, related to the structure of DG FISMA covering the timeframe between 2016 and the current year, 2024.”

Regulation (EC) No 1049/2001 regarding public access to documents sets out the conditions and limits for exercising the public right of access to documents of the three main institutions of the EU, established by Article 15(3) of the TFEU.

The right of access to documents within the framework of Regulation (EC) No 1049/2001, as specified in Article 2(3), applies only to existing documents in the possession of the institution. If the information requested by the applicant is contained in a database, the institution will extract it only if that is possible via a routine or pre-programmed search. As confirmed by the European Court of Justice, the institution is not obliged to create a(new) document in response to the request or to compile information from several existing documents (1).

While members of the public enjoy a right to request access to any existing document in possession of the respective EU institution, Regulation (EC) No 1049/2001 also provides for exceptions to this right where disclosure would harm a specific public or private interest,

such as protection of privacy and integrity of a natural person (Article 4(1)(b) of Regulation No 1049/2001).

Having examined your request under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that your application for documents under point 1) cannot be granted as DG FISMA does not hold any such documents, namely internal organigrams of DG FISMA units A.1, B.1, B.2, and C.1.

While the HR database of the Commission contains the information required, its compilation would go beyond a routine search and would mean a creation of a new document which falls outside the framework of Regulation No 1049/2001.

Moreover, the information that you are requesting under point 1) concerns personal data of natural persons (members of the Commission staff). Access to such information is protected by the Data Protection Regulation (²), Article 9(1)(b) in particular.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of the personal data, except if (i) the applicant proves that it is necessary to have the data transmitted to him for a specific purpose in the public interest and (ii) where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. The two conditions are cumulative.

Please note in that regard that your argument that the information is requested for use in the context of a research project would not be considered sufficient to demonstrate the necessity of the transfer of the personal data concerned (first condition stated above), even if the Commission held an existing document, and access to it would have to be refused under Article 4(1)(b) of Regulation No 1049/2001.

Concerning point 2) of your request, please note that:

- The current organisation chart is available on DG FISMA’s website on Financial Stability, Financial Services and Capital Markets Union (europa.eu), section Leadership and organisation, or via the Who is Who.
- The previous (old) organisational charts of the Commission DGs and services can be found via “who is who” at the following link: archive - EU Whoiswho - Publications Office of the EU (europa.eu).

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter.

You can submit it in one of the following ways:

by asking for a review via your portal (³) account (available only for initial requests submitted via the portal account),

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(²) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

(³) https://www.ec.europa.eu/transparency/documents-request
or by mail:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Electronically signed

John BERRIGAN
Director-General