Subject: Your application for access to documents (2024/1169)

Dear Mr Hoedeman,

We refer to your request for access to European Commission documents registered on 29 February 2024 under the above-mentioned reference number.

You requested access to:

- statements and declarations of previous activities submitted by Markus Pieper as part of the recruitment procedure for the post;

- statement of assurance by a Member of the Commission about absence of conflicts of interest on the basis of Articles 11 and 11a of the Staff Regulations, as part of the recruitment procedure.

Your request also included a number of other items, which concerned information, rather than the access to documents. That part of your request was attributed to the relevant services and you should receive a reply to it in due course. This reply therefore relates only to the part of your request concerning access to documents.

The following document falls within the scope of your application:

- declaration of actual and potential conflicts of interest by the candidate (Ref. Ares(2024)1767235 – 07/03/2024).

That document is established in the context of a normal recruitment procedure for temporary agents of the European Commission, in accordance with Article 11 of the Staff Regulations and consists of several parts: the declarations of the person concerned and the analysis made by the Appointing Authority.
Since the person concerned is not yet a member of staff of the Commission, the document must be considered as originating from a third party and, consequently, the originator of the document has been consulted.

Following an examination of the document listed above under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, I regret to inform you that your application cannot be granted, as a complete disclosure of the identified document is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of that Regulation. The third party concerned concurred with this analysis. In this context, it should be noted that the document you seek to obtain contains the following personal data:

- the name/initial and contact details of a natural person;
- handwritten signature of a natural person;
- other information relating to an identified or identifiable natural person, notably: personal data relating to professional experience and activities.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of that 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 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 (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, 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 individual concerned would not be prejudiced by disclosure of the personal data concerned.

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, I have also considered the possibility of granting partial access to the documents requested.

However, for the reasons explained above, no meaningful partial access is possible without undermining the interest described above.

Consequently, I have come to the conclusion that, in order to safeguard the principle of sound administration, the document cannot be partially disclosed under Regulation (EC) No 1049/2001.

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 via your EASE portal account.

Yours faithfully,

Christian ROQUES