Dear Sir or Madam,

We are writing to you concerning your request for access to documents sent on 08/04/2024 and registered on 09/04/2024 under case number 2024/1948.

Since you have not indicated your postal address, we are not able to start handling your request. The 15 working days to reply to your request will start running only when you send us your postal address.

You can send your postal address by replying to this e-mail. If we do not receive your reply we may close this case.

Please note that you can submit a request for access to Commission documents via the portal 'Request a Commission document', which does not require you to indicate your postal address.

Why do we need your personal postal address?

Since 1 April 2014, the submission of a postal address became a mandatory feature when submitting an application for access to Commission documents via an e-mail. We would like to explain why we need your postal address in order to register and handle your application for access to documents when submitted via e-mail:

• Firstly, to obtain legal certainty as regards the date you received the European Commission reply to your application for public access to documents. Article 297 of the Treaty on the Functioning of the European Union (TFEU) states that 'decisions which specify to whom they are addressed, shall be notified to those to whom they are addressed and shall take effect upon such notification.' In line with this provision, if the Commission does not grant full access to the requested documents, it notifies the reply to the applicant via registered mail with acknowledgement of receipt or via delivery service. This requires an indication of a valid postal address by the applicant;

• Secondly, to apply correctly the Data Protection Regulation (EU) 2018/1725. Knowing whether the applicant is an EU resident (or not) is necessary for deciding which conditions shall apply for the transmissions of personal data to applicants for access to documents. These conditions are not the same for recipients established in the Union and for recipients in third countries. As the vast majority of the documents requested contain personal data, the Commission cannot ensure the correct application of the data protection rules in the absence of a postal address;

• Thirdly, to apply correctly Regulation (EC) No 1049/2001. Article 4(1)(b) of that Regulation refers to the protection of the privacy and integrity of the individual and has to be applied in line with the Data Protection Regulation;
Fourthly, to protect the interest of other citizens and safeguard the principle of good administration. The Commission has to treat all citizens equally by ensuring that the legal framework for public access to documents is respected. For example, it has to verify whether Article 6(3) of Regulation (EC) No 1049/2001 is being evaded by introducing several requests under different identities. Indeed, in its Ryanair judgment (EU:T:2010:511), the General Court confirmed that Article 6(3) of Regulation (EC) No 1049/2001 cannot be evaded by splitting an application into several, seemingly separate, parts. In addition, the Commission has to make sure that the legal framework is respected and the right of access to documents is not abused by making requests under an invented identity.

The considerations above show that the request for and the consequent processing of the applicant's postal address is not only appropriate, but also strictly necessary for the performance of a task carried out in the public interest within the meaning of Article 5(1)(a) of Data Protection Regulation, namely providing a smooth and effective access to documents.

Yours faithfully,

Directorate-General for Human Resources and Security - Access to Documents
European Commission