Ms Chloé Berthélémy

By email with acknowledgment of receipt:
ask+request-14520-3b2dfee@asktheeu.org

Subject: Your application for access to documents (EASE 2024/2273)

Dear Ms Berthélémy,

We refer to your request for access to European Commission documents registered on 30 April 2024 under the above-mentioned reference number.

You request access to all the information received in 2024 from Member States under Article 21 of Regulation (EU) 2021/784 of 29 April 2021 on addressing the dissemination of terrorist content online.

I consider your request to cover documents held up to the date of your initial application, i.e. 30 April 2024.

The following documents fall within the scope of your application:

- Transparency obligations under the TCO Regulation_GH, Austria, 22 March 2024, reference Ares(2024)3681624 (hereafter ‘document 1’)
- TCO TRANSPARENCY REPORT (1), Cyprus, 27 March 2024, reference Ares(2024)3543953 (hereafter ‘document 3’)
- CZECHIA_REPORT TCO 2024, Czechia, 29 March 2024, reference Ares(2024)3544617 (hereafter ‘document 4’)
- TCO Monitoring Report 2023 FINLAND, Finland, 26 March 2024, reference Ares(2024)3543440 (hereafter ‘document 6’)
- 24-03-28_TCO-Transparency and Monitoring Report Germany_EN, Germany, 28 March 2024, reference Ares(2024)3544775 (hereafter ‘document 7’
− Transparency obligations under the TCO Regulation - Ares(2024)1891468, Greece, 30 April 2024, reference Ares(2024)3744898 (hereafter ‘document 8’)

− 2024 03 27 – HU TCO report, Hungary, 3 April 2024, reference ARES(2024)3681713 (hereafter ‘document 9’)

− TCOR Article 21 return March 2024 Ireland, Ireland, 28 March 2024, reference Ares(2024)3545087 (hereafter ‘document 10’)

− TCO Latvia contribution for the last calendar year 2023, Latvia, 19 April 2024, reference Ares(2024)3679091 (hereafter ‘document 11’)

− TCO, Lithuania, 28 March 2024, reference Ares(2024)3678859 hereafter ‘document 12’


− MT Input regarding the obligations set out in the TCO Regulation – April 2024, Malta, 29 April 2024, reference Ares(2024)3744755 hereafter ‘document 14’)


− Poročanje_MDP_ za_TCO uredb, Slovenia, 1 April 2024, reference Ares(2024)3681819 hereafter ‘document 17’)

− Brev til EU-Kommissionen, Sweden, 11 April 2024, reference Ares(2024)3678927 hereafter ‘document 18’)


Since the documents referred to hereabove originate from third parties, the originators of the documents have been consulted in accordance with Article 4(4) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereafter ‘Regulation (EC) No 1049/2001’), according to which “[a]s regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed”.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001, and taking into account the views expressed by the consulted third parties, I have come to the conclusion that documents 1, 2, 3, 6, 7, 9, 10, 11, 13, 14, 15, 16, 19 can be made public. As a result, you will find the documents attached.

With regard to documents 4, 5, 8, 12, 17, 18, a complete disclosure of the identified 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 (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not part of the senior management;
- the names/initials and contact details of natural persons;
- handwritten signatures/abbreviated signatures of natural persons.

In accordance with Article 4(1)(b) of Regulation (EC) No 1049/2001, “the 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”.

Article 9(1)(b) of the Data Protection Regulation (2) 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 put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest, but you state that you are “requesting access only to anonymised communications and documents without personally identifiable information”.

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 individuals concerned would not be prejudiced by disclosure of the personal data concerned. Therefore, please find attached documents 4, 5, 8, 12, 17, 18 in a redacted version, from which personal data has been removed.

Disclaimer

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure 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 their reuse.

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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

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

**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

Finally, we note that your request has been submitted outside the EASE portal. Therefore, we would appreciate, if you could **acknowledge receipt of the present letter by sending an email** to HOME-ACCESS-DOCUMENTS@ec.europa.eu.

Yours sincerely,

Yolanda GALLEGO-CASILDA GRAU

Enclosures: 19 documents

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