

**Council of the European Union**  
General Secretariat  
Directorate-General Communication and Information - COMM  
Directorate Information and Outreach  
Information Services Unit / Transparency  
*Head of Unit*

Brussels, 4 November 2024

Mr Alberto Alemanno  
Email: ask+request-15043-95ce81a6@asktheeu.org

Ref. 24/2569

Request made on: 03.10.2024  
Registered on: 04.10.2024  
Deadline extension: 25.10.2024

Dear Mr Alemanno,

Thank you for your request for access to documents of the Council of the European Union.<sup>1</sup>

The requested document (ST 13861/24) contains a letter from the Permanent Representative of the Government of the Portuguese Republic to the Secretary General of the Council concerning the nomination put forward by the Government of the Portuguese Republic for the post of Judge of the Court of Justice of the European Union.

Some parts of the requested document cannot be disclosed based on the exception related to the protection of privacy and the integrity of the individual (Article 4(1)(b) of Regulation (EC) No 1049/2001). These parts contain the names of the person nominated by the Portuguese Republic for the post of judge of the Court of Justice of the EU. The disclosure of this personal data does not fulfil the conditions under Article 9 of Regulation (EU) 2018/1725 nor constitutes lawful processing in accordance with the requirements of Article 5 of that regulation.

In particular, the personal data in question could be transmitted to you if:

- a) you show that the transfer of the requested personal data is necessary – that is to say, that it is the most appropriate measure to achieve the objective pursued by you and if it is proportionate to that objective, and
- b) such a disclosure should not prejudice disproportionately the legitimate interests of the individual concerned.

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

We consider that in the case at hand, on the one hand, the necessity of the transfer of the requested personal data has not been established in the application and, on the other hand, it cannot be excluded that the disclosure of the requested personal data could cause harm to the reputation of the candidate and therefore would prejudice his legitimate interests.

In the view of the foregoing, the General Secretariat of the Council provides you with partial access to the requested document.

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).

Yours sincerely,

Fernando FLORINDO

Enclosure