

From: [REDACTED]
Sent: 22 April 2014 11:10
To: SG ACCES DOCUMENTS
Subject: Re: Access to Documents request

Dear [REDACTED]

thank you for your quick reply. I believe I can deal with each of your points, inline below

On 22/04/14 10:46, Sg-Acc-Doc@ec.europa.eu wrote:

The European Commission has to notify its replies to access to document requests in a way that provides for legal certainty as regards the receipt of the reply by the applicant under Regulation 1049/2001. Replies triggering the possibility for administrative or judicial redress will therefore be transmitted via registered mail with acknowledgement of receipt. This requires an indication of a valid postal address by the applicant.

This could alternately, and more privacy parsimoniously, be achieved merely by requesting a confirmation of receipt by email from the applicant. There is anyway only a self-assertion of identity, and providing a postal address will not confirm that identity to any legally relevant standard by itself. Circumstances requiring an involuntary proof of delivery are rare and it would be disproportionate to normalize practice around this worst case.

Moreover, the indication of a postal address is also needed for the correct application of certain other legal aspects (in particular, the scope of possible redress, data protection rules, protection against theft of identity or the use of false identities).

Firstly these factors are conceivably relevant in case of, but not until an actual case of, dispute over the fulfilment of the request (or in what conceivable circumstances are they relevant merely to fulfil a request electronically?)

Secondly, but without prejudice to my right of reasoned reply to the above point, I hereby self-declare that I am a legal resident of France. What justification is there for requiring my precise address?

Thirdly, but without prejudice to my right of reasoned reply to the above point, I am registered (under this name and email address) with the European Commission Authentication Service. I hereby give permission for you to verify that my name and email address are so registered, which provides more than sufficient assurance under any reasonable Access to Documents policy. You thereby know that my postal address is enrolled in ECAS, but it is not necessary for you to know what it is unless some contingency arises, which is justifiable. You will recall that it is good data protection practice for the Controller not to ask the subject information already in the Controller's possession, if the intended use is compatible and consented or otherwise lawful.

kind regards
