

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Director-General

Brussels, 29 JUL 2015

Mr Vinzenz ZINSER

E-mail: ask+request-2092-8bfe7191@asktheeu.org

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2015/3465

We refer to your e-mail dated 26 June 2015 in which you make a request for access to documents. This e-mail was registered on the same date under the above-mentioned reference number. By mail of Ms Lévêque, Head of Unit HR.A.2, of 17 July 2015, you were informed about the extension of the time limit for the reply with 15 working days.

In the first place, we would like to reassure you that the proper functioning of the Directorate-General for Justice and Consumers (DG JUST) is by no means jeopardized. All Director posts in this Directorate-General are at present filled. Where a senior manager is prevented from exercising his/her functions or where the respective post is vacant, the continuity of service is guaranteed by the application of the deputising rules of the Commission (see Article 27 of the enclosed Rules of Procedure).

With regard to point (2) of your request, we have to inform you that there are no documents on the "non-filling" of the post of Director-General of DG JUST.

The only document covered by point (3) of your request is the external vacancy notice. A copy of this vacancy notice, which was published on 3 July 2015, is enclosed.

As regards point (1) of the request, we would like to inform you that Ms Le Bail retired under the normal procedure, at the statutory retirement age of 65 years. We enclose the three administrative documents that were established in this connection. In the first document, the private address of Ms Le Bail was deleted. The handwritten remarks addressed by the Director-General for Human Resources and Security to Ms Le Bail were expunged in the third of these documents.

We are disclosing these two documents expunged from the aforementioned personal data because we have to comply with the data protection rules set out in Regulation No 45/2001¹. This Regulation becomes fully applicable when access is requested to documents containing personal data².

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8 of 12.1.2001, p. 1).

² Judgment of the Court of Justice of the EU of 29 June 2010 in Case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

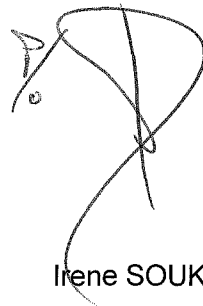
In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'I' and 'S' intertwined.

Irene SOUKA

Encls.: Rules of Procedure of the Commission
Vacancy notice for the post of DG JUST
Three administrative documents concerning the retirement of Ms Le Bail