

From: [REDACTED] (SG)
Sent: 10 February 2013 13:42
To: [REDACTED] (EPSO); [REDACTED] (EPSO); EPSO ACCES DOCUMENTS
Cc: [REDACTED] (EPSO); [REDACTED] (SG); SG DOSSIERS ACCES
Subject: FW: New confirmatory request for access to documents
Attachments: [REDACTED] FINAL 29.01.2012 .pdf; EU [REDACTED] draft 8.2.2013.doc
Categories: [REDACTED]

Dear [REDACTED]

I hope you are well. I have been myself absent during January for health reasons.

I have examined the reply given by EPSO to the new request of Mr [REDACTED]. He introduced his application because of the lack of initial reply. He has contacted us today to confirm his interest in his application after receiving EPSO position.

Consequently, please find enclosed a draft reply including SG questions as well as a copy of the definitive reply given by SG to his previous confirmatory request. The reply to his previous request has received EPSO agreement but it could not be sent before since we have only received the approval of the LS last week. Although EPSO reply confirms our position regarding his previous request, there are some issues that I would like to discuss with you before launching the LS consultation. [REDACTED]
[REDACTED]

Surprisingly, he stated in his message (see copy enclosed) that he understood that the document requested did not exist, which is precisely the Commission conclusion that he did not want to accept. He also recognizes that his confirmatory application modified his initial request. Both are the main points we address in our reply to his previous request.

SG will like to close this new request as soon as possible. Therefore, I would appreciate to have your views by Tuesday 12.02 2013 (end of business)

Thanks in advance

[REDACTED]

From: EPSO ACCES DOCUMENTS
Sent: Tuesday, February 05, 2013 5:18 PM
To: SG DOSSIERS ACCES
Cc: [REDACTED] (EPSO)
Subject: RE: New confirmatory request for access to documents

Cher M. [REDACTED]

Afin de répondre à votre demande, je vous informe que :

- 1) En ce qui concerne les documents refusés, la gestionnaire du dossier étant en congé de maladie, voudriez-vous la contacter lundi 11/02.
- 2) Mme [REDACTED] ([REDACTED]) est gestionnaire du dossier au stade de la demande initiale.
- 3) La réponse à la demande initiale est attachée dans Gestdem.



Unité 06 : Communication et attractivité
QUESTIONS JURIDIQUES
Secrétariat du secteur juridique
Tel. [REDACTED]
European Personnel Selection Office



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From: SG DOSSIERS ACCES
Sent: Wednesday, January 30, 2013 6:36 PM
To: EPSO ACCES DOCUMENTS
Subject: FW: New confirmatory request for access to documents

Cher(e) Collègue,

Je vous prie de bien vouloir trouver ci-joint, copie de la lettre que M. [REDACTED] a envoyé à la Secrétaire Générale, par laquelle un recours est introduit pour absence de réponse à certains documents demandés à la DG EPSO (GESTDEM n° 2013/68).

Je me permets de vous rappeler que le délai impératif de réponse est de 15 jours ouvrables à partir de l'enregistrement de la demande.

Afin de permettre à la Secrétaire générale de répondre à ce recours avant l'échéance du 20/02/2013 prochain, je vous remercie d'avance de bien vouloir me communiquer (via l'adresse électronique SG DOSSIERS ACCES) immédiatement (dans les 24 heures - **délai:01/02/2013**) :

- 1) **les documents refusés lors de la demande initiale**, afin de nous permettre une évaluation indépendante de la pertinence du refus (si les documents sont trop nombreux, nous vous demandons de nous faire parvenir au moins une liste des documents concernés);
- 2) **le nom du (de la) gestionnaire du dossier au stade initial.**

Dans les jours suivants, un(e) gestionnaire (administrateur) de l'équipe "accès aux documents" du SG prendra contact avec le (la) gestionnaire du dossier au niveau de la DG pour préciser **les éléments complémentaires de contribution** dont le SG aura besoin. Une **prompte** réponse à cette démarche sera attendue.

Pour toute information complémentaire, vous pouvez prendre contact avec moi.

Merci d'avance de votre collaboration.

SG.B.5.
Transparence.
Berl.



From: SG ACCES DOCUMENTS
Sent: Wednesday, January 30, 2013 6:33 PM
To: [REDACTED]
Subject: RE: New confirmatory request for access to documents

Dear Sir,

Thank you for your e-mail dated 30/01/2013, registered on 30/01/2013 [Ares(2013) 119295].

I hereby acknowledge receipt of your confirmatory request for access to documents - Gestdem 2013/68.

In accordance with Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents, you will receive a response to your request within 15 working days.

Yours sincerely,

SG.B.5.
Transparence.
Berl.



From: [redacted] [mailto:[redacted]]
Sent: Wednesday, January 30, 2013 8:21 AM
To: SG ACCES DOCUMENTS; [redacted] (EPSO); [redacted] (SG)
Subject: New confirmatory request for access to documents

Dear Secretary General, dear Mr. [redacted],

on December 28, 2012, I submitted a request for access to documents under Regulation (EC) No. 1049/2001 to EPSO. On January 8, EPSO acknowledged receipt - EPSO-06/RK D(2013) 20023 - and stated that the time limit for handling the application expires on January 29, 2013. EPSO failed to reply within the prescribed time limit. This entitles me to making a confirmatory application according to Article 7, Paragraph 4, of Regulation (EC) No. 1049/2001. Please find this confirmatory request, which is identical to my original request from December 28, 2012, below.

Please acknowledge receipt of this confirmatory request.

This is a new confirmatory request for access to documents under Regulation (EC) 1049/2001 which differs from my previous confirmatory request (from August 21, 2012) both in scope and because I now do not ask for a single table but for parts of multiple existing documents.

I realize this request is a very long and complicated document. The second-to-last paragraph contains 6 simple steps for fulfilling this request, with two of them probably not even needed (No. 1 and No. 6). So, in case you just want a quick overview of the request and of how you could easily grant it, I recommend reading the second-to-last paragraph with its 6 steps first. I had to add all the other paragraphs to make the request fit Regulation (EC) No 1049/2001.

REQUEST FOR ACCESS TO DOCUMENTS

I request anonymized answer data from the admission test for the open competition EPSO/AD/230/12 (AD 5) AND EPSO/AD/231/12 (AD 7).

Please send me, in electronic form, a **set of documents (existing documents or parts thereof)** from which I will be able to construct a table with one row for every candidate/question pair in the admission test (if there were 45357

candidates and 60 questions, this table should contain 2,721,420 rows), and with the following columns:

- Candidate ID: an identifier of the candidate. This identifier should not give me any indication of the identity of the candidate who gave this answer, but it should be the same for all answers by the same candidate, and no two candidates should share the same candidate ID. For anonymization purposes, it is completely acceptable for me if you hash the Candidate ID, for instance by using the MD5 function, as long as you do it consistently in all released documents in which it appears so that the links across documents are not destroyed.
- Question ID: an identifier of the question, not the question itself. This identifier should allow you to identify the question, but it should not give me any indication of the question's contents. The same question in two different languages should be listed under the same question ID in the table I need to be able to construct. In the documents you give me, the information which questions are translations of the same original question can of course be present in whatever form in which you currently store it, not necessarily in the form of a common question ID for all translations of the same original question.
- Question Type: an indicator of whether this question is a verbal reasoning, abstract reasoning, numerical reasoning, or situational judgement question.
- Language: the language in which this question was presented to this candidate.
- Neutralized: the information whether the answers to this question were "neutralized" or not. By "neutralized", I mean that any answers to this question were disregarded and instead scores from the non-"neutralized" questions were extrapolated. I do not imply here that a retroactive neutralization which deserves this name is actually possible.
- Expected answer: an identifier of the answer that is expected. This identifier should not give me any indication of the contents of the answer, but for the same question/answer pair, it should stay the same. If the answer options were always presented in the same order, the letter A/B/C/D would be sufficient. If answer options were not presented in the same order to all candidates, the same

identifier should always be used for the same answer option. For situational judgement questions, the entire expected answer should be indicated, that is, the best and the worst option. Again, since I cannot know how you store this information, I request it in whatever form you have it.

- Given answer: an identifier of the answer chosen by this candidate for this question. Again, I do not request any indication of the contents of the answer, just an identifier. It should be specified in the same fashion as for the expected answer, so that correct answers can be recognized by the identity of identifiers. If the candidate did not answer a question, this information should be included as well. For situational judgement questions, the complete answer (that is, best and worst option).
- Time spent: the time (for instance, in seconds) the candidate spent on this question.
- Difficulty: the level of difficulty of this question.

I do not request that you create a new document by merging information from existing documents, but instead I request that you provide me with the existing documents which are stored in electronic form in your various IT systems, possibly after removing some information from them which I did not request and which is covered by one or more exceptions from Article 4.

It is, as far as I know, not publicly known how many documents you are using to store the information contained in the table which I want to be construct from your documents, so I cannot specifically ask for individual documents about whose existence I can be certain. However, you have already confirmed that the information I requested on July 2, 2012 exists (EPSO/RK D(2012) 1130795: "EPSO does indeed possess the information referred to in your request"). That is, the existence of all requested information except for the difficulty column has already been confirmed.

Although I do not know and cannot know how you store this information about which we agree that it exists, let me make an educated guess about which documents exist. If my guess is correct, please deliver those documents. If it is not correct, please deliver a set of documents containing equivalent information.

You probably have a document (I will call it "**candidate table**") containing a list of all candidates and several properties of the candidates. In other documents, you probably have pointers to records in this candidate table. These pointers use one column (or a column combination) in the candidate table which I will call the "Candidate ID". In database terminology, this Candidate ID would be called a key.

I request the following subset of the candidate table:

All rows with candidates who took part in the competition EPSO/AD/230/12 (AD 5) and/or EPSO/AD/231/12 (AD 7). Each row should contain at least these columns:

- Candidate ID (the ID used in other documents to refer to records of this document; if multiple such IDs exist, I request all of them; if the IDs would reveal the identity of candidates, I request that you anonymize this information without losing the identifying property of the ID so that the references from the other documents still work; such anonymization would constitute the removal of information from a document to arrive at a part of a document in the sense of Regulation (EC) No 1049/2001. Art. 4.6: "If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released." The identity of a candidate is probably covered by one of the exceptions, but the information which answers have been given by the same candidate is not. So you should not release the identity of candidates to me, but an anonymous identifier is still needed for releasing the information which answers come from the same candidate).
- language combination of this candidate, in other words, information which will allow me to determine, in conjunction with the question type, which language was used for which question when it was presented to this candidate.

Please remove any additional columns which would trigger an exception according to Article 4.

You most likely have a document (I will call it "**question table**") containing a list of all questions, answer options, expected answers, and difficulty. In other documents, you probably have

pointers to records in the question table. These pointers use one column or column combination in the question table which I will call "Question ID".

I request the following subset of the question table:

All rows pertaining to questions which were used at least once in the competition EPSO/AD/230/12 (AD 5) and/or EPSO/AD/231/12 (AD 7), with at least the following columns:

- Question ID (the ID used in other documents to refer to records of this document; if multiple such IDs exist, I request all of them; if the IDs would reveal the contents of the question, I request that you anonymize this information without losing the identifying property of the ID so that the references from the other documents still work). The same question in two different languages should be listed under the same question ID, or if this is not how you store this information, you should give me this information (which questions have the same content in different languages) in whatever format you use.
- Difficulty: the level of difficulty of this question
- Question Type: an indicator of whether this question is a verbal reasoning, abstract reasoning, numerical reasoning, or situational judgement question.
- Neutralized: the information whether the answers to this question were "neutralized" or not. See above for a definition of what I mean by "neutralized".
- Expected answer: an identifier of the answer that is expected. This identifier should not give me any indication of the contents of the answer, but for the same question/answer pair, it should stay the same. If the answer options were always presented in the same order, the letter A/B/C/D would be sufficient. If answer options were not presented in the same order to all candidates, please ensure that the same identifier is always shown for the same answer option. For situational judgement questions, indicate the entire expected answer, that is, the best and the worst option.

Please remove any additional columns which would trigger an exception according to Article 4.

You most likely have a document (I will call it "**answer table**") containing a list of all answers given by candidates in the competition EPSO/AD/230/12 (AD 5) and/or EPSO/AD/231/12 (AD 7).

I request the following subset of the answer table:

All rows which were entered for the competition EPSO/AD/230/12 (AD 5) and/or EPSO/AD/231/12 (AD 7), with at least the following columns:

- **Candidate ID:** an identifier of the candidate. This identifier should not give me any indication of the identity of the candidate who gave this answer, but it should be the same for all answers by the same candidate, and no two candidates should share the same candidate ID. The candidate ID should allow me to join this table with the candidate table. See also my other remarks about Candidate IDs above.
- **Question ID:** an identifier of the question, not the question itself. This identifier should allow you to identify the question, but it should not give me any indication of the question's contents. The same question in two different languages should be listed under the same question ID (also see my remarks about the question ID above). The question ID should allow me to join this table with the question table.
- **Given answer:** an identifier of the answer chosen by this candidate for this question. Again, I do not request any indication of the contents of the answer, just an identifier. It should be specified in the same fashion as for the expected answer, so that correct answers can be recognized by the identity of identifiers. Also, this identifier should not only contain the information whether the question was correctly answered or not, but also which wrong answer was selected in case the answer is wrong. In other words, for any pair of candidates who chose the same wrong answer option, this fact should be visible from this identifier, even though the answer itself should not be released to me. A separate identifier should be used if the candidate did not answer this question. For situational judgement questions, indicate the complete answer (best and worst option).

- Time spent: the time (for instance, in seconds) the candidate spent on this question.

Please remove any additional columns which would trigger an exception according to Article 4.

If you have split any of the requested documents in multiple documents (either horizontally, that is, by maintaining separate sets of rows, or vertically, that is, by maintaining separate sets of columns, or both), I request all documents which I need to construct the table which I have described first in my request.

In the unlikely case that in one or more of the requested documents, there are no ID columns which identify records without giving away important content such as the name of a candidate, his passport number, or the wording of a question or answer, and you try to use this as an argument for not disclosing requested data, I request that you apply a hash function such as MD5 to the affected IDs in order to remove the information which should not be shared while retaining the information that must be shared (the "remaining parts" of the document include the information which records from one document need to be joined with what records from another document).

Please note that I do not request any processing of data beyond what is required by Regulation (EC) 1049/2001. I only request the releasable parts of existing documents. Any data processing I ask for is only needed for separating the releasable information from information which would trigger an exception according to Article 4, and Article 4 obliges you to perform this minimal amount of data processing. Art. 4.6 says that "If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released." In other words, you are obliged to separate the remaining parts of the documents from the non-releasable parts of the documents if the documents contain non-releasable parts. If you store any requested information in a format different from what I describe here, I do not request re-formatting – giving it to me in the existing format would satisfy my request, as long as equivalent information can be extracted from what you deliver.

QUICK OVERVIEW OF HOW TO FULFIL THE REQUEST WITH MINIMAL EFFORT

Please note that you can fulfil my request quite easily by slightly changing your existing mechanism for reporting the candidates' answers back to them. The table I want to ultimately construct (see above) differs only slightly from the concatenation of tables which you already routinely send to every candidate as part of the application process, similar to the message you sent me via my EPSO account on 28/06/2012 (Candidate number: 2575906). I realize that following these 6 steps could be construed as creating a new document which does not yet exist. Because of this, I do not request that you follow these 6 steps in particular. I merely point out that this would probably be the most efficient and economical way of fulfilling my request for parts of existing multiple documents outlined above, and I would also accept such a new, not yet existing document instead of the requested parts of existing documents in case you would prefer delivering the requested information in this equivalent form.

You could deliver all requested information by modifying your existing data export mechanism with the following simple steps:

1. Optional: anonymize the existing Candidate ID in case you consider it too revealing. This can be trivially achieved by supplying the ID in hashed form, for instance, by supplying md5(candidate ID) instead of the raw candidate ID. See <http://en.wikipedia.org/wiki/MD5> and <http://php.net/manual/en/function.md5.php>
2. Combine the language combination and the table with expected/given answers. Since you already send them both within the same message (e.g., in your message to me from 28/6/2012), this should not be much effort.
3. Add the difficulty. This information must be stored together with the question in the database of questions (or at least linked to it) and should therefore be easily retrievable.
4. The question ID would have to be given to me as a globally unique ID (i.e., as an identifier that stays the same across all candidates), not just a candidate-specific question number. Since your mechanism for generating the tables you send to candidates clearly has a link between the global question ID and the candidate-specific number (which must be true because you report the expected answer), reporting this global question ID in addition to the candidate-specific question number is a trivial change.

5. Add the situational judgement questions to the mechanism already in place for all the other question types.
6. Only if the answer options are presented to different candidates in different orders, you might have to compensate for this.

WHY AM I ENTITLED TO RECEIVING THIS FILE FROM YOU?

- Regulation 1049/2011 applies because the file specified above fits the definition of a document in Art. 3a, I am a citizen of the Union residing in a Member State, and the document is held by an institution.
- No exceptions according to Art. 4 apply:
Art. 4.1(a) does not apply because public security, defence and military matters, international relations, and financial/monetary/economic policy are not affected.
Art. 4.1 (b) does not apply because the data I request are anonymized.
Art. 4.2 does not apply because the contents of questions and answers are not included in the data I request.
Art. 4.3 does not justify an exception because disclosure would not undermine the ongoing decisionmaking process, and in any case there is an overriding public interest in disclosure (transparency, ensuring fairness, the public needs to be able to check whether, and to what degree, language-based discrimination occurs).
The rest of Art. 4 obviously does not justify an exception either.

With best regards,

[Redacted signature]

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[Redacted signature]
Tel [Redacted]
Fax [Redacted]