

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

Brussels, **25 SEP. 2015**

Ms Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Brussels
By email: ask+request-2118-ddc2f007@asktheeu.org

Subject: Your application for access to documents request Gestdem 2015/3645

Dear Ms Cann,

I refer to your e-mail dated 7 July 2015 registered on 8 July 2015 by which you make a request for access to documents.

Your application concerns *"all documents which relate to any article 16 (staff regulations) applications made by Per Hellstrom, including to work for Apple. In particular, you "request a note of all Mr Hellstrom's job titles at the Commission including dates held; copies of any application(s) that he has made under article 16 to undertake a new professional activity; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of the new role or roles."*

I have examined your request under the provisions of Regulation 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.

The documents identified are an application form submitted by Mr Hellstrom in the framework of Article 16 of the Staff Regulations and the related decision from the Appointing Authority. I have also identified e-mail exchanges within Commission services or between Commission services and Mr Hellstrom pertaining to the underlying internal procedures concerning this request for authorisation.

The documents you requested contain personal data relating to the present and past occupational activities of Mr Hellstrom. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. This is why I have examined whether the exception foreseen in Article 4(1) (b) of Regulation (EC) No 1049/2001 applies. In this context, the former official has been consulted in accordance with Article 4 (4) of Regulation (EC) No 1049/2001. The former official has objected to the disclosure of the documents given

that the release of the documents will impinge on his privacy. In this respect, the Commission would point out that he has already been subject to certain negative media and public attention.

As for the e-mail exchanges between the Commission services and Mr Hellstrom, Article 4(3) paragraph 2 of Regulation (EC) No 1049/2001 was also examined.

Regarding both exceptions, I note that a public interest in the disclosure of the documents that would be suitable to override the interests protected by the mentioned provisions is neither obvious nor have you identified it in your application. I therefore conclude that the balancing of interests provided for in Regulation (EC) No 1049/2001 cannot lead to the disclosure of the requested documents.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) No 1049/2001, I have concluded that this would equally undermine the interests protected by the aforementioned provisions.

Against this background, I can nevertheless provide you with the following general information on the process to which your request relates.

Mr Hellstrom submitted a declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations). It relates to his activity at Apple Benelux BV, as "Senior Director Government and Regulatory Affairs, Competition Law and Policy in the EMEA region (Europe, Middle-East, Africa and India), an in-house legal position reporting directly to Apple's general counsel".

Following the general rules concerning the consultation process for this type of request, and having regard to the fact that Mr Hellstrom had already been working for the same company during his leave on personal grounds starting on 16/2/2014, and that he subsequently resigned from the Commission service, the Appointing Authority gave its approval to carry out this activity, under certain conditions aimed at preventing any potential conflict of interest. Mr Hellstrom was also reminded of the specific staff obligations as laid down in Articles 16, 17 and 19 of the Staff Regulations.

Furthermore I can provide you with some information on the last posts held by Mr Hellstrom covering the period which was assessed as regards any potential conflict of interest:

From 1/06/2012 to 15/2/2014: DG COMP, Head of Unit – Mergers: Investigation, Compliance and Infringement Handling, and until 31/5/2012: DG COMP, Head of Unit – Antitrust: Electricity and Electronics.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

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.

¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

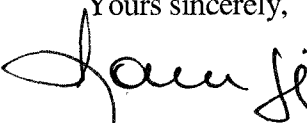
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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

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

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,



Irene SOUKA