



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate C: Fundamental rights and Union citizenship
Unit C.1 : Fundamental rights and rights of the child
Head of Unit

Brussels,
JUST/C1/MT/ts/374814s

**By registered letter with
acknowledgement of receipt**

Mr Arun Dohle
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Germany

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Dear Sir

Subject: Your application for access to documents Ref GestDem No 2016/0185

We refer to your email dated 05/01/2016 in which you make a request for access to documents, registered on 13/01/2016 under the above mentioned reference number.

You request access to all correspondence of DG Enlargement with Romanian Secretary of State for Child Protection, Ms Gabriela Coman, during the years 2001-2005.

Your application concerns the following document: a letter from the European Commission dated 20 December 2002, requesting reference material (Ares ELARG.D(2002)95649)

The document to which you have requested access contains personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is 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 data¹.

¹ Official Journal L 8 of 12.1.2001, p. 1

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

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/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

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 5/282

B-1049 Bruxelles

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

Yours faithfully


Chiara Adamo
Head of Unit

Enclosure: 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.