Subject: Your request for access to documents

Ref.: Gestdem 2016/489

Dear Ms Cann,

I refer to your application sent to DG Energy on 03/02/2016, in which you make a request for access to “a list of all meetings held by DG Energy, the Commissioner and/or his cabinet which included Manuel Lamela, Berkeley and/or Accountax since 1st November 2014 and the meeting minutes; as well as all correspondence to or from Manuel Lamela, Berkeley and/or Accountax”.

This request was registered under the above mentioned reference number.

DG Energy did not meet or have correspondence with Manuel Lamela or Accountax. The only pieces of information covered by your request are e-mails, letters and documents exchanged with Berkeley’s senior management in the context of the preparation and follow-up of the Commission’s viewpoints on Retortillo and Alameda projects. Such correspondence stems from Article 43 of the Euratom Treaty according to which the Commission shall discuss with the undertakings all aspects of investment projects which relate to the objectives of this Treaty.

The documents covered by your request are annexed to this letter.

I would like to point out that these documents contain 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 data. When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable. 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. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

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-ace-doc@ec.europa.eu

Sincerely,

Stephan KLEMENT

Enclosure: 6 documents.

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1 OJ L 8 of 12.1.2001, p. 1