Subject: Your request for access to documents under Regulation (EC) No 1049/2001 reference GestDem No 2016/4941

Dear Ms Castellano,

We refer to your message dated 02/09/2016 in which you make a request for access to documents, registered on 02/09/2016 under the above mentioned reference number.

You request access to documents which contain the following information:

1. Memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping. You explained that you are particularly interested in documents that refer to creation/keeping of: Agendas (diaries of public officials’ engagements), lists of meetings, minutes of meetings, lists of participants in meetings, and documents justifying decisions.

2. Memos, guidance, guidelines, or training material (or any other document) for DG staff on the processing of access to information requests.

As regards the second part of your request, I would like to clarify that a distinction needs to be made between requests for access to documents and requests for access to information. These two categories of requests are regulated by separate legal frameworks, different deadlines apply thereto, etc. Requests for access to documents are regulated by Regulation 1049/2001, while the Code of Good Administrative Behaviour applies to requests for access to information (http://ec.europa.eu/transparency/code/index_en.htm).

Please note that there are no documents (other than the above-mentioned Code) addressed to the staff of our Directorate-General concerning the processing of requests for information.
I assume, however, that your request of 2 September 2016 relates to memos, guidance, guidelines, or training material (or any other document) for DG staff on the processing of access to documents requests.

I note that you recently submitted a parallel request concerning the same scope to the Secretariat-General (ref: GestDem 2016/4880). Following that request, the Secretariat-General already released a series of internal guidelines and guidance notes. As this request is closely linked with that other request and as most of the guidelines used in our Directorate-General are produced by the Secretariat-General, we interpret the scope of your request as excluding documents originating from the Secretariat-General, which have already been provided to you in their positive reply dated 16/09/2016.

Our Directorate-General has identified the following documents as falling under the scope of your request (please find them enclosed in this letter):

- Doc 1: Training material on Document Management;
- Doc 2: Preservation guide;
- Doc 3: Filing guide;
- Doc 4: Simplification of document management and filing;
- Doc 5: How to transfer files to the HA;
- Doc 6: Ares Guide;
- Doc 7: Note on handling of applications for public access to documents – updated procedure and designation of the ENTR coordinator (28/03/2011);
- Doc 8: Initial applications for public access to documents – Workflow (Annex I);
- Doc 9: Regulation 1049/2001 Quality Chart – Initial Replies to Access to Documents (Annex II);
- Doc 10: Applications for public access to unpublished documents - Standard signatories for final replies (Annex III);
- Doc 11: Applications for public access to unpublished documents - Standard signatories for final replies (update March 2016);
- Doc 12: Intranet Guidelines on the handling of access to documents in DG GROW;
- Doc 13: FAQ on access to documents in DG GROW;
- Doc 14: Note from Director-General DG GROW on reports of meetings with external stakeholders/Access to documents and knowledge management (19 April 2016).

Some of the documents above mentioned contain personal data, in particular: names, direct telephone numbers, email addresses and hand-written signatures of Commission staff.

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\textsuperscript{1}.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable\textsuperscript{2}.

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 sincerely,

\begin{signature}
\end{signature}

Enclosures: documents 1 to 15 listed above.

\textsuperscript{1} Official Journal L 8 of 12.1.2001, p. 1
\textsuperscript{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.