



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR EDUCATION AND CULTURE

Resources and Planning
The Director

Brussels
EAC.R.1/APG

*By registered letter with
acknowledgment of receipt*

Wiesje VAN NUNEN
Access Info Europe
Cava de San Miguel 8, 4C
28005 Madrid

Advanced copy by email: ask+request-3266-90cd06bb@asktheeu.org

Dear Ms Van Nunen,

Subject: Reply to your application for access to documents. GestDem 2016/4896. DG EAC memos, guidance and guidelines on the creation and keeping of meeting records and on the processing of access to information requests

We refer to your e-mail 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:

- (1) Memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping; particularly, 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.

Regarding part (1), DG EAC has identified the following documents as falling under the scope of your request:

- 1.1. List of documents of the DG EAC to be registered (Ares(2013)2760789 – 26/07/2013)
- 1.2. Administrative arrangements for the organisation of the Directors Steering Committee (DSC) (Ares(2014)2964658 – 10/09/2014)
- 1.3. IT Governance for DG EAC (Ares(2016)2031277 – 28/04/2016)

Regarding part (2), 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. Requests for access to documents are regulated by Regulation 1049/2001, while the Code of Good Administrative Behaviour¹ applies to request for access to information.

In DG EAC, there are no documents addressed to staff concerning the processing of requests for information, other than the above-mentioned Code. Nevertheless, a document concerning the treatment of requests for access to documents, in which access to information is mentioned, has been found and can be considered as falling under the scope of your request:

2.1. Procédures de traitement des demandes d'accès aux documents à l'EAC (Ares(2014)1473123 – 07/05/2014)

All the documents to which you have requested access contain personal data and therefore we have decided to grant partial access to the documents, expunged of personal data, pursuant to Article 4(1)(b) of the Regulation (privacy and integrity of the individual).

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 data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

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.

¹ http://ec.europa.eu/transparency/code/index_en.htm

² Official Journal L 8 of 12.1.2001, p. 1

³ 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.

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,

Arturo CABALLERO BASSEDAS

Enclosures:

- 1.1. List of documents of the DG EAC to be registered
- 1.2. Administrative arrangements for the organisation of the Directors Steering committee (DSC)
- 1.3. IT Governance for DG EAC
- 2.1. Procédures de traitement des demandes d'accès aux documents à l'EAC