



**EUROPEAN COMMISSION**

Directorate-General for Communications Networks, Content and Technology

Policy Strategy and Outreach

**Policy Outreach and International Affairs**

Brussels,  
CNECT.D.3/DR

**By registered letter with acknowledgment of receipt**

Mrs Vicky Cann  
CEO  
Rue d'Edimbourg, 26  
1050 Brussels

**Advance copy by email :** [ask+request-3328-bfebab2c@asktheeu.org](mailto:ask+request-3328-bfebab2c@asktheeu.org)

Dear Madam,

**Subject: Your application for access to documents – Ref GestDem No 2016/5365**

We refer to your e-mail dated 26/09/2016, our reference Ares(2016)5572401, in which you make a request for access to documents, registered on the same day under the above mentioned reference number. We also refer to our holding reply of 14/10/2016 with reference Ares(2016)5938082 concerning the extension of the deadline.

You request access to documents relating to “*all exchanges between the Commissioner Kroes, her office and her Cabinet, with the companies Uber and / or Salesforce from 1 January 2012 to 31 October 2014. Specifically, I would like to request any emails, correspondence, meeting notes or telephone call notes.*”

This request concerns a former Commissioner, so we had to consult the central archives service to search and provide us with the related registered documents.

We enclose a copy of the documents found.

- a) Exchange with UBER
  - Minutes of a meeting on 14/03/2014 between Cabinet Kroes, DG CONNECT and UBER representatives.
- b) Exchange with Salesforce.com
  - Invitation at Dreamforce 2012 sent on 31/05/2012 to Neelie Kroes, our reference ARES(2012)662477.
  - Minutes of a meeting on 26/06/2013 between Cabinet Kroes, DG CONNECT and Salesforce.com representatives, our reference Ares(2015)3313440.
  - Meeting request sent on 11/07/2013 to Mr Kleiner, our reference Ares(2013)2659335.

Regarding the documents produced by the Commission, you may reuse these documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Regarding the documents originated with a third party, please note that these documents were received by the Commission from Salesforce.com. They are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. It does not reflect the position of the Commission and cannot be quoted as such.

The documents to which you have requested access 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<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

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.

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> 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.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

*(eSigned)*  
David Ringrose  
Head of Unit

Encl.: Redacted documents