

EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE

Director-General

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Brussels,

JUST/A.1/PDL/ea/D/(2013)838959  
GESTDEM 2013/1160

Mr Ahrun Dohle

By e-mail:

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6855959b@askthecu.org](mailto:ask+request-404-6855959b@askthecu.org)

**Subject: Request of access to documents - GESTDEM 2013/1160-Amici dei Bambini**

Dear Mr Dohle,

This is the follow-up of our letter dated 21 March 2013 in which we have extended the time limit to answer you request of access to documents until 22 April 2013.

In concrete terms, you are asking access to the correspondence between staff of DG JUST (formerly DG Justice Freedom and Security, "DG JLS") and staff of Amici dei Bambini (AIBI), between January 2007 and December 2009.

Following your request, the responsible units within the European Commission have retrieved from their digital registers the following documents that fall within your request:

Correspondence concerning DAPHNE project A3130 JLS/DAP/2007-1/119: "Protecting children in child protection systems" in chronological order

- letter DG JLS /AIBI 28 .5.2008
- letter DG JLS/AIBI 17.12.2008
- e-mail DG JLS/AIBI 5.1.2009
- e-mail DG JLS/AIBI 26.2.2009
- letter AIBI/DG JLS 26.2.2009
- letter DG JLS/AIBI 26.5.2009
- e-mail AIBI/DG JLS 23.7.2009
- letter AIBI/DG JLS 24.7.2009
- letter DG JLS/AIBI 5.8.2009

Correspondence concerning Fundamental Rights and Citizens Programme project JLS/2008/FRAC/AG/1419 The Children's Right to family: foster care under lens in chronological order

- e-mail JLS/AIBI 12.10.2009
- e-mail AIBI/JLS 27.10.2009

-letter JLS/AIBI 4.11.2009  
-letter AIBI/JLS 16.12.2009  
-letter AIBI/JUST ( no date visible)

Correspondence concerning the open invitation to tender JLS/2007/C4/017

-Letter AIBI/DG JLS 27.9.2007  
-Letter DG JLS/AIBI 25.10.2007

Miscellaneous

e-mail AIBI/DG JLS 1.10.2009  
e-mail AIBI/DG JLS 23.10.2009  
e-mail DG JLS/AIBI 23.10.2009

After having analyzed the list of documents in the light of Regulation (EC) No 1049/2001, we have come to the conclusion that the following documents may be partially disclosed:

- letter DG JLS /AIBI 28 .5.2008 (Annex 1)
- letter DG JLS/AIBI 17.12.2008 (Annex 2)
- e-mail DG JLS/AIBI 26.2.2009 (Annex 3)
- e-mail DG JLS/AIBI 5.1.2009 (Annex 4)
- letter JLS/AIBI 12.10.2009 (Annex 5)
- letter JLS/AIBI 4.11.2009 (Annex 6)
- e-mail DG JLS/AIBI 23.10.2009 (Annex 7)

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document can be refused "(...) *where 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*". Indeed, the documents falling under your access request contain 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 that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing above mentioned document expunged from the personal data of the individuals that have objected to their disclosure.

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.

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<sup>1</sup> OJ 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, not yet reported

As regards the other documents listed, it should be noted that part of the documents requested originate from third parties (Amici dei Bambini) who have been consulted on such disclosure. We would like to inform you that, with letter received by the Commission on 17 April 2013, Amici dei Bambini has objected to the disclosure of the documents that it sent to the Commission and has motivated its position with the need to previously consult its lawyers on the matter.

The remaining documents originated from DG JLS contain express reference to the content of the correspondence with Amici dei Bambini which, as explained, cannot be disclosed.

The following letters can be partially disclosed, after having expunged the sections which mention the content of the previous correspondence from the association "Amici dei Bambini". These specific sections are covered by the refusal of Amici dei Bambini to disclose the correspondence.

- letter DG JLS/AIBI 5.8.2009 (Annex 8)
- letter DG JLS/AIBI 25.10.2007 ( Annex 9)

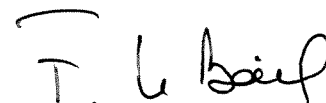
As for the letter DG JLS/AIBI 26.5.2009, it cannot be disclosed as it only repeats the content of a letter from Amici dei Bambini and even a partial disclosure is not possible.

Should you wish this position to be reconsidered, you should present in writing, within 15 working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the address below. The Secretary-General will inform you of the result of such review within 15 working days from the date of registration of your request. You will either be given access to the document or your request will be rejected, in which case you will be informed of what further action is open to you.

European Commission  
Secretary-General  
Transparency unit SG-B-5  
BERL 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

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Yours faithfully,



Françoise Le Bail