



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Innovation and Advanced Manufacturing
Director

Brussels, 18 June 2018
GROW.F.5/NZ

Ms Margarida da Silva

CEO

Rue d' Edimbourg 26

1050 Brussels

BELGIUM

By registered letter with acknowledgment of receipt

Advance copy by email: ask+request-5493-b5d36503@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2018/2388

Dear Ms Da Silva,

We refer to your e-mail dated 25/04/2018 in which you make a request for access to documents, registered on 27/04/2018 under the above-mentioned reference number.

You request access to:

- a list of lobby meetings held by DG GROW with Facebook or its intermediaries, including: date, individuals attending, their organisational affiliation, and the issues discussed;
- minutes and other reports of these meetings;
- all correspondence (i.e. any emails, correspondence or telephone call notes) between DG GROW (including the Commissioner and the Cabinet) and Facebook or any intermediaries representing its interests.

You further clarified by your email of 18/05/2018 addressed to DG HOME that you are interested in documents from 01/11/2014 onwards.

Thereby, we consider your request to cover documents held up to the date of your initial application.

Given that you submitted the same request to other Directorates-General of the Commission as well, this reply relates only to the documents held by DG GROW. You

received or will receive the replies from the other respective Directorates-General in due course.

In accordance with the Code of Good Administrative Behaviour, we wish to inform you that the following meetings have been held between DG GROW and Facebook in the period concerned:

- Meeting between Cabinet Bieńkowska and Facebook on 12 June 2017,
- Meeting between DG GROW unit E4 and EDiMA, including Facebook representative, on 7 July 2017,
- Meeting between DG GROW unit F5 and Facebook on 7 December 2017.

Your application concerns the following documents: please see the annexed document register with the list of documents identified.

The documents to which you have requested access contain personal data, in particular names and contact details of non-senior management 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

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 a version of the documents requested in which these personal data have been redacted.

As to the handwritten signatures, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

Please note that some documents were received by the Commission from third parties. They are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

Concerning the minutes or the summary record of meetings, please note that these documents were drawn up for internal use under the responsibility of the relevant services

¹ Official Journal L 8 of 12.1.2001, p. 1

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.

of DG GROW. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with the assessment that the redacted data are personal data, which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, 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 5/288
B-1049 Bruxelles or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Slawomir Tokarski
Director

Enclosure: Document Register
GESTDEM 2018/2388.zip