



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Unit 01: Communication and strategic planning

Brussels, 31/07/2018
JUST.01/MJA/rg

***By registered letter with
acknowledgment of receipt***

Ms Margarida da Silva
CEO
Rue d' Edimbourg 26
BE - 1050 Brussels

Advance copy by email:
ask+request-5496-cfb9a8cc@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2018/2420 – follow up reply

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 "*documents which contain the following information:*

- a list of lobby meetings held by DG JUST with Facebook or its intermediaries. The list should include: date, individuals attending + organisational affiliation, the issues discussed;

- minutes and other reports of these meetings;

all correspondence (i.e. any emails, correspondence or telephone call notes) between DG JUST (including the Commissioner and the Cabinet) and Facebook or any intermediaries representing its interests."

You have received a reply on 6 July in which DG JUST listed all the documents falling under your request. You have then received all the documents listed except the documents n. 11 (e-mail exchange DG JUST / Facebook between 1 Nov. 2017 – 27 Nov. 2017 – ARES(2018)3119694) and n. 13 (reply from Ms Sheryl Sandberg, COO Facebook to the letter sent by Ms Jourova - Ares(2018)1854626).

We have also further identify an e-mail exchange DG JUST / Facebook between 2 May 2018 and 8 May 2018 – ARES(2018)3119694.

Since these documents originate from a third party, the originators of the documents have been consulted.

We are now in conditions to send those documents to you.

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.

Please note that these 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.

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,

(e-signed)
Giles GOODALL
Head of Unit

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.