



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION
Directorate J - Common Support Centre
J.1 - Common Legal Support Service
The Head of Unit

Brussels

Leonid Schneider
Taunusstr 11
63526 Erlensee
Germany

Advanced copy by email:
ask+request-6006-
b73a3b6d@asktheeu.org

Subject: Your application for access to documents Ref GestDem 2018/5387

Dear Mr Schneider,

We refer to your application of 12 October 2018 in which you submitted, within the framework of Regulation (EC) No 1049/2001¹, a request for access to documents, registered on the same date under the above mentioned reference number.

You requested access to “*documents which contain the following information:*

Records of any possible meetings or communications between EU special envoy Robert-Jan Smits and the scholarly publisher Frontiers Media SA, in the years 2017 and 2018.

In particular please check for any meetings, phone/video calls or emails between Mr Smits and these senior Frontiers executives:

- *Kamila Markram*
- *Frederick (or Fred) Fenter*
- *Henry Markram*

as well as any other Frontiers representatives.

I understand the contents of Mr Smit's work emails, phone calls and meetings might be protected. Hence I requests a summary of when such meetings took place, and which Frontiers representatives were met. Same for emails and phone calls: Just dates and names of correspondents.”

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

We have been informed that no exchanges (emails or meetings) took place between Mr Smits and representatives of Frontiers Media S.A. during 2017.

Mr Smits met three times with Frontiers representatives during 2018:

On 25 April with Dr Kamila Markram and two other representatives and during a follow-up meeting on 11 June with one Frontiers representative;

Mr Smits and Dr Markram were speakers on the same panel ([Opening Up Open Science: Innovations, Ideas and Possibilities](#)) at ESOF 2018 on 11 July.

We identified only one record of the meetings above, namely the report on the 25 April 2018 meeting.

We also received a list of Mr Smits' email exchanges with Frontiers representatives during 2018.

We are pleased to inform you that partial access can be granted to this list of emails and to the above mentioned report.

We expunged from the documents the information whose disclosure is prevented by Article 4(1)(b) of Regulation 1049/2001, namely the protection of privacy and the integrity of the individual.

The requested documents contain personal data such as names, functions and email addresses. This information clearly constitutes personal data in the meaning of Article 2(a) of Regulation (EC) No 45/2001².

According to Article 8(b) of Regulation 45/2001, personal data shall only be transferred to a recipient in the EU/EEA if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced. Those two conditions are cumulative. In the present case, you have not put forward any arguments to substantiate a need to obtain these personal data. Furthermore, it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

Therefore, personal data have been withheld from the requested documents, except for the name of the main representative of the third party, in conformity with Commission's current administrative practice.

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In accordance with Art 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a

² 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 institutions and bodies of the Community and on the free movement of such data (OJ L 8, 12.01.2001, p.1), hereinafter referred to as 'Regulation (EC) 45/2001'.

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

Secretariat-General

Unit SG C.1 – Transparency, Document Management & Access to Documents

Rue de la Loi 200

B-1049 Brussels

Belgium

or

by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Reinhard Schulte

Enclosure: Redacted list of Mr Smits' email exchanges with Frontiers
 representatives
 Redacted Report of meeting with Frontiers, 25 April 2018