Subject: Your application for access to documents- Ref GestDem 2018/6184

Dear Mr Fanta,

We refer to your e-mail, dated 22/11/2018, in which you make a request for access to documents pursuant to 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 (‘Regulation 1049/2001’), registered on the same date under the above-mentioned reference number.

By your application you requested:

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documents which contain the following information:

– all documents related to the 14-12-2017 meeting between Maximilian Strotmann and Volkswagen, including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, e-mails, and presentations```

We have identified the following document:

- Email exchange concerning the meeting request (6-7 December 2017)

Having examined the identified document, I have arrived at the conclusion that it may be partially disclosed. Parts of the document have been blanked out as their disclosure is prevented by the exceptions to the right of access laid down in Article 4 of Regulation 1049/2001.
Parts of the requested document contain personal data, in particular names, initials and functions of Commission staff and the third party’s staff. Pursuant to Article 4(1)(b) Regulation 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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (‘Regulation 2018/1725’).

Indeed, Article 3(1) of Regulation 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person […]’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data. Please note in this respect that the names, signatures, functions, telephone numbers and/or initials pertaining to staff members of an institution are to be considered personal data.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted if ‘[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

In your application, you do not put forward any arguments to establish the necessity to have the personal data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the document, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy.

Consequently, I conclude that access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

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meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

In case you 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 submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. ‘Transparency, Document Management and Access to Documents’
BERL 5/282
B-1049 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-Signed)
Katleen Engelbosch

Enclosure: (1)