



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate J - Common Support Centre
J.1 - Common Legal support service
Head of Unit

Brussels,
RS/JVC/GB
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*By registered letter with acknowledgment
of receipt*

Ms Rojas A. Gisella
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Madrid, Spain

Advance copy by e-mail:
ask+request-6752-8259203e@asktheeu.org

Subject: Your application for access to documents – GestDem Ref No 2019/2079

Dear Ms Rojas,

We refer to your letter dated 02 April 2019, registered on 03 April 2019 under the above-mentioned reference number, in which you submitted an application for access to documents within the framework of Regulation (EC) 1049/2001¹.

1. SCOPE OF YOUR REQUEST

You requested access to the following documents:

“All documents - including but not limited to minutes, notes, audio recordings, verbatim reports, operational conclusions, e-mails, and presentations – produced, exchanged and related to the following meetings between Alain Paul Lebeaupin, Apostolic Nuncio, Head of the Mission of the Holy See to the European Union and at the time Carlos Moedas, Research, Science and Innovation, 14 January 2019.”

We have identified 2 documents falling under the scope of your request (hereinafter the 'requested documents'), namely:

- Chain of correspondence ending on 14 December 2018;
- Background note for the meeting on 14 January 2019.

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).

2. EXAMINATION UNDER REGULATION (EC) No 1049/2001

We are pleased to inform you that partial access can be granted to the requested documents. We have only expunged information which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, namely the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

Protection of privacy and the integrity of the individual

The applicable legislation in this field is Regulation (EU) 2018/1725².

The requested documents contains personal data such as names, surnames, functions, telephone numbers, electronic addresses, curriculum vitae etc. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation 2018/1725.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies 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'*.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Therefore, personal data have been withheld from the requested document, except the name of individuals forming part of senior management staff of the Commission and the name of the principal Church officials.

Disclaimer

Some of the documents requested were drawn up for internal use under the responsibility of the relevant service of the Commission. They do not set out any official position of the third parties to which the documents refer. These documents do not reflect the position of the Commission and cannot be quoted as such.

² 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')

3. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) 1049/2001, you are entitled 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

Unit C.1 – Transparency, document management & access to documents

BERL 7/076

B-1049 Brussels

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

Yours faithfully,

Reinhard Schulte