



Lyndsay Eccleston

contact@nitsip.org

ask+request-6906-769dc7d4@asktheeu.org

Dear Ms Eccleston,

Subject: Your application for access to documents – MR-2019-IN-874

We refer to your emails dated 08 May 2019 and 15 May 2019 which have been submitted through the third-party website AskTheEU.org, and to your email of 10 May 2019 which you submitted to our confirmatory requests mailbox.

Although you addressed your email of 10/05/2019 to our confirmatory requests mailbox, it appears to be a follow up to our reply of 8 May 2019 to your initial application of 5 April 2019. In this follow up, you require new documents not covered by your application of 5 April 2019. For this reason, we have decided to process your request of 10/05/2019 as a new application, and not as a confirmatory request. We are going to process the application together with your applications of 08 May 2019 and of 15 May 2019, as they fall under the same scope.

You have requested a document containing

All recorded infectious diseases data in Northern Ireland for the period May 2009 - May 2019. To include;

- (1) the full date of each reported case*
- (2) location by hospital*
- (3) Gender*
- (4) Age*
- (5) Name & type of infection*
- (6) Reported deaths*

While some of the information you requested could be retrieved from The European Surveillance System database operated by ECDC, it is not possible for ECDC to create a document with the information you require by extracting the information through a routine search using all the query fields you identified (see Judgment of the Court of 11 January 2017 in case C-491/15 P, *Typke v Commission*).

Therefore, we regret to inform you that no documents were found that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution. Given that no such document have been identified, ECDC is not in a position to handle your request.

We would also remark that, if such a document would exist, it would contain personal data. In fact, by combining the variables that you envisaged, it would be potentially possible to identify the data subjects. When access is requested to documents containing personal data, Regulation (EU) No 2018/1725 becomes fully applicable. According to Article 9.1(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. With the information available, ECDC considers that you have not been able to establish the necessity of personal data included in the TESSy database, and that the disclosure would not prejudice the legitimate rights of the persons concerned.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting ECDC's Director to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the following address:

ECDC
Legal Services
Gustav III:s Boulevard 40
16973 Solna
Sweden

or by email to: confirmatory.requests@ecdc.europa.eu

Yours faithfully,



Vicky Lefevre

Acting Head of Unit Surveillance and Response Support, SRS