



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

The Director-General

Brussels,

By registered letter with acknowledgment of receipt

Josefina Martí
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Madrid
28006, Spain

Advance copy by e-mail:
ask+request-6782-0a309a7d@asktheeu.org

Subject: Your application for public access to documents – GestDem Ref No 2019/2180.

Dear Ms Martí,

We refer to your email dated 08 April 2019 in which you submitted, within the framework of Regulation (EC) 1049/2001¹, an application for access to documents. Your request was registered on the same day under the above-mentioned reference numbers.

1. SCOPE OF YOUR REQUEST

Your request covered what follows:

- 1. a complete list of all meetings held by any member of your team/staff with churches, religious associations or communities, as well as with philosophical and non-confessional organisations,*
- 2. from 1 January 2014 onwards,*
- 3. specifying the status of the organization (church, religious association or community, philosophical association or non-confessional association);*
- 4. all documents, including all emails, minutes, reports or other documents received or drawn up before, during or after the meetings, and any other briefing papers related to these meetings.*

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) , hereinafter referred to as 'Regulation (EC) 1049/2001'.

After examination of the scope of your requests, it appeared that your application concerned a very large number of documents, which would need to be assessed individually. In the light of the fact that such a detailed analysis cannot be carried out within the normal time limits, we informed you by email dated 11 April 2019 that you had submitted a very wide-scoped request.

Consequently, we invited you, pursuant to Article 6(3) of Regulation 1049/2001, to propose a fair solution for dealing with your wide-scoped request. We explained that such a fair solution could consist of narrowing down the scope of your request, so as to reduce it to a more manageable amount of documents.

In this context, you were invited to specify the objective of your requests, your specific interest in the requested documents and to narrow down its scope. We then proposed one of the following alternative options in order to limit the excessive administrative burden relating to the handling of your request:

- either restrict the scope of your request to meetings held by the senior management (which means Commissioner Carlos Moedas, members of his cabinet and Director General of DG Research and Technological Innovation) and limit your request to documents related to meetings held with 10 organisations you of which you would have indicated the name;
- or restrict the scope of your request to documents of the senior management (which means Commissioner Carlos Moedas, members of his cabinet and Director General of DG Research and Technological Innovation) and limit the number of the requests you submitted to us to meetings held with churches and religious organisations,

while remaining open to other possible options that helped to narrow down significantly the request.

In your reply of 17 April 2019, you reformulated your request as follows:

“to documents of the staff (without including Commissioner Carlos Moedas and members of his cabinet and Director General of DG Research and Technological Innovation). I would also like to limit the number of the requests to meetings held with churches and religious organisations (without including non confessional organisations).”

By our e-mail of 25 April 2019, we assessed the solution you proposed and we informed you that your request were being handled accordingly.

Having said this, we confirm that we have identified and processed 50 documents, grouped in 8 different categories, falling under the scope of your request (hereinafter the 'requested documents'), namely:

a) documents concerning the meeting of the European Parliament of 19 March 2019:

- 1) Email 14-03-2019;
- 2) Attachment 1 to email 14-03-2019;
- 3) Attachment 2 to email 14-03-2019;
- 4) Attachment 3 to email 14-03-2019;
- 5) Attachment 4 to email 14-03-2019;
- 6) Attachment 5 to email 14-03-2019;
- 7) Attachment 6 to email 14-03-2019.

b) documents concerning the meeting on Artificial Intelligence of 18 June 2018:

- 1) Email 15-06-2018 from SG;
- 2) Attachment 1 email 15-06-2018 from SG;
- 3) Attachment 2 email 15-06-2018 from SG;
- 4) Attachment 3 email 15-06-2018 from SG;
- 5) Attachment 4 email 15-06-2018 from SG;
- 6) Email 15-06-2018 from DG JUST;
- 7) Attachment 1 email 15-06-2018 from DG JUST;
- 8) Attachment 2 email 15-06-2018 from DG JUST;
- 9) Attachment 3 email 15-06-2018 from DG JUST;
- 10) Attachment 4 email 15-06-2018 from DG JUST;
- 11) Attachment 5 email 15-06-2018 from DG JUST;
- 12) Attachment 6 email 15-06-2018 from DG JUST;
- 13) Attachment 7 email 15-06-2018 from DG JUST;
- 14) Attachment 8 email 15-06-2018 from DG JUST;
- 15) Email 02-07-2018.

c) document concerning meeting on ethics of reproductive medicine, 18 March 2016:

- 1) Email 20-03-2016.

d) documents concerning the meeting on Artificial Intelligence of 10 September 2018:

- 1) Email 1-10-2018;
- 2) Email 20-08-2018.

e) documents concerning the Laudato Si Challenge event of the 3-5 December 2018:

- 1) Email 2-12-2018;
- 2) Email 26-11-2018;
- 3) Email 11-01-2019;
- 4) Email 07-12-2018;
- 5) Email 5-11-2018;
- 6) Email 6-12-2018;
- 7) Email 23-11-2018;
- 8) Email 12-11-2018 - meeting 4dic;
- 9) Email 19-11-2018;
- 10) Email 16-01-2019;
- 11) Email 27-11-2018 event program;
- 12) Event program 3-5 December 2018;
- 13) Email 13-11-2018;
- 14) Email 12-01-2019;

- 15) Email 12-11-2018;
- 16) Attachment 1 to email of 12-11-2018;
- 17) Attachment 2 to email of 12-11-2018;
- 18) Email 27-11-2018;
- 19) Email 15-01-2019;
- 20) Attachment to the email of 15-01-2019;
- 21) Email 13-12-2018;
- 22) Mission Report 01-12-2018-04-12-2018.

f) documents concerning the *Conversations on Science, Regulation, and Society - the Future of Genome Editing in European healthcare systems* event, 16 October 2018:

- 1) Draft programme - EP event on genome editing- 2018 09 16;
- 2) Invitation - the Future of Genome Editing in European healthcare systems -16 Oct 2018.

g) Document concerning the Conference on *Boosting the social impact on innovative cancer research*, 16-17 November 2018:

- 1) Mission report for Conference on Boosting the social impact on innovative cancer research – 16-17 November 2018.

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

2.1 Full access

Having examined the requested documents under the provisions of Regulation (EC) 1049/2001 and we are pleased to inform you that full access can be granted to documents with reference numbers a.3, a.4, b.3, b.7, b.14.

Documents with reference number b.9 and b.10 are not provided, as they are a duplication of documents under reference number b.3 and b.4.

2.2 Partial access: protection of privacy and the integrity of the individual

Partial access can be granted to documents under reference numbers a.1, a.2, a.5, a.6, a.7, b.1, b.2, b.5, b.6, b.8, b.9, b.10, b.12, b.13, b.15, c, d, e, f and g; some information has been withheld, as it concerns personal data, as explained below.

According to Article 4(1)(b) of Regulation (EC) 1049/2001, access to documents is refused where 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 (EU) 2018/1725².

² Regulation (EU) 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,

The requested documents contain personal data such as names, surnames, email addresses, telephone and fax number, and signatures of certain members of the Commission staff and of third parties. 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’.

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.

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. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

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, 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.

On the basis of the above, personal data have been withheld from the requested documents, with the exception of names of individuals forming part of senior management staff of the Commission.

2.3 No access

Documents with reference numbers b.4 and b. 11 contain personal data which cannot be disclosed for the reasons explained under paragraph 2.2 above. In accordance with Article 4(6) of Regulation (EC) N. 1049/2001, we have considered the possibility of granting partial access to those documents but we have found that no meaningful partial access is possible as they are entirely covered by the protection of privacy and integrity of individual’s exception.

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

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Brussels

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

Yours faithfully,

Jean-Eric Paquet

Enclosure: requested documents expunged from information protected under Regulation 1049/2001.