



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate E - Single Market & Connectivity
SG.E.1 - Competitiveness, Innovation & Digital Europe

Brussels
SG.E.1/OG/OC

*By registered letter with
acknowledgment of receipt*

Ms Aisha Down
Emerika Bluma 8, Sarajevo
Bosnia and Herzegovina

Advance copy by email:
ask+request-7312-c6d83336@asktheeu.org

Dear Madam,

Subject: Your application for access to documents - Ref GestDem No 2019/5383

We refer to your email of 20/09/2019 in which you submit a request for access to documents, registered on 20/09/2019 under the above-mentioned reference number.

You request access for the period from 1 May 2016 onwards to all meetings between officials working for the Secretariat-General and lawyers working for Arnold & Porter, Clifford Chance, and Fleischman Hillard on the subject of brand protection, cross-border trade, and intellectual property rights. Pursuant your application we have identified the following document:

- Ares(2018)3746284 – 13/07/2018 – Meeting report

The document to which you request access contain personal data. 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.¹

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.²

¹ Judgment of the Court of Justice of the European Union of 20 December 2017 in Case C-434/16, Peter Nowak v Data Protection Commissioner, request for a preliminary ruling, paragraphs 33-35, [ECLI:EU:C:2017:994](#).

² Judgment of the General Court of 19 September 2018 in case T-39/17, Port de Brest v Commission, paragraphs 43-44, [ECLI:EU:T:2018:560](#).

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.

Consequently, I conclude that, pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, 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.

In case you would 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 (EC) No 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.I. 'Transparency, Document Management and Access to Documents' BERL 7/076 B-1049 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu .

Yours faithfully,



Olivier GIRARD
Head of Unit

Enclosure: Ares(2018)3746284 – 13/07/2018 – Meeting report