Dear Ms Große,

Subject: Partially positive access - Your application for access to documents - Ref GestDem No 2020/1463

We refer to your e-mail dated 11 March 2020 in which you make a request for access to documents under Regulation (EC) No 1049/2001 regarding public access to documents, registered on the same date under the above-mentioned reference number.

We also refer to our e-mail of 30 March 2020 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

Your request access to the following documents:

1) All documents and information accompanying DG SANTE's request to EFSA for a scientific opinion on genetically modified plants developed through new genomic techniques (Question Number: EFSA-Q-2020-00103), with the exception of SANTE E3/IC/gk (2019)8841279, which is retrievable online on EFSA's website. This concerns in particular the background information and terms of reference enclosed to document SANTE E3/IC/gk (2019)8841279, as well as any stakeholder input that went into the preparation of your request.

2) All documents and information transferred to EFSA accompanying DG SANTE's request for the provision of technical assistance in the field of risk communication received on 26 February 2020 (Question Number: EFSA-Q-2020-00213).

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2. Identification and assessment of the documents

We have identified 19 documents falling under the scope of your request. You will find attached a table (Annex) listing the identified documents and summarizing the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined these documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have concluded that full access can be given to all documents except documents No 2, 8, 16, 17, 18 to which partial access can be given.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of Commission documents. You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

3. Reasons for partial disclosure

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

With regard to documents No 2, 8, 16, 17, 18 full disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management
- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation\(^2\) does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not

express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, 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.

Therefore documents No 2, 8, 16, 17, 18 are disclosed redacted of the parts containing personal data.

4. Means of redress

In case you would disagree with this position, 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.1. ‘Transparency, Document Management and Access to Documents’
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Chantal BRUETSCHY
Head of Unit

Enclosures (by email only):
– Annex: Table listing the documents covered by the request;
– 19 documents fully or partially disclosed.