



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID  
OPERATIONS (ECHO)  
General Affairs  
**Contracts and Finance**

Brussels  
**ECHO.E.3/MD**

**E-mail with acknowledgment of receipt**

Mr. Alexander Fanta  
Netzpolitik  
Rue de la Loi 155,  
1040 Brussels  
BELGIUM

[ask+request-7903-94817c98@asktheeu.org](mailto:ask+request-7903-94817c98@asktheeu.org)

**Subject: Your application for access to documents – GESTDEM 2020/2414**

Dear Mr. Fanta,

We refer to your e-mail of 27 April 2020 in which you make a request for access to documents, registered on 27 April 2020 under the above-mentioned reference number.

You request access to correspondence, meeting minutes and documents related to the 23 April 2020 meeting between Commissioner Lenarčič and Microsoft.

Your application concerns the following documents:

- *Email from Microsoft to DG ECHO, 8 to 13 April 2020, Ares(2020)2031980 (hereafter document 1)*
- *Letter from the DG ECHO Executive Vice-President to Microsoft, 20 April 2020, Ares (2020)2154797 (hereafter document 2)*
- *Meeting report: video call on COVID-19 between Commissioner Janez Lenarčič and Microsoft, 23 April 2020, Ares(2020)2216575 (hereafter document 3)*

With regard to the all documents listed above, a complete disclosure of the identified documents 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 details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

- other information relating to an identified or identifiable natural person such as job titles of natural persons;

Article 9(1)(b) of the Data Protection Regulation 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, I 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.

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.

Document 3 referenced above, was drawn up for internal use under the responsibility of the relevant officials of the Directorate-General for European Civil Protection and Humanitarian Aid Operations. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers. It does not reflect the position of the Commission and cannot be quoted as such.

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](mailto:sg-acc-doc@ec.europa.eu)

*According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, this communication will be sent only by e-mail.*

*We would therefore appreciate if you could confirm receipt of the present e-mail by replying to [ECHO-DOC-ACCES@ec.europa.eu](mailto:ECHO-DOC-ACCES@ec.europa.eu)*

Yours sincerely,

[E-signed]

Jan SEMPELS

Head of Unit

Encl.: Email from Microsoft to DG ECHO, 8 to 13 April 2020, Ares(2020)2031980

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