

Brussels, 06/08/2020
EPSO/05/RK/mr ARES (2020)s. 4772848

Mr Alvarò MERINO
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SPAIN
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Subject: Your request for access to documents of 10/07/2020
Ref. GestDem 2020/4398

Dear Mr Merino,

I refer to your message registered under the abovementioned reference number, whereby you lodged a request for access to documents pursuant to Regulation (EC) No 1049/2001.

You request access to the following documents:

“[...] los documentos que contienen la siguiente información:

Listado con todos y cada uno de los componentes del personal de todas las direcciones generales, departamentos, agencias y oficinas de la Comisión Europea, indicando para cada uno de ellos la siguiente información:

- *Título/nombre del puesto de trabajo;*
- *Categoría/función profesional;*
- *Escala del trabajador según la titulación requerida para el puesto de trabajo;*
- *Departamento o sección del organismo en el/la que trabaja;*
- *Departamento del que depende su sección;*
- *Salario;*
- *Nacionalidad;*
- *Género;*
- *Edad.”*

(English translation:

“[...] the documents that contain the following information:

List with each and every one of the staff members of all the European Commission directorates-general, departments, agencies and offices, indicating for each of them the following information:

- *Title / name of the job;*
- *Professional category / function;*
- *Grade of the employee according to the qualification required for the job;*
- *Department or section of the organization in which he / she works;*
- *Department to which his / her section belongs;*
- *Salary;*
- *Nationality;*
- *Gender;*
- *Age.)*

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I have identified the following documents as falling within the scope of your request:

- Personal files of individual staff members contained in SYSPER, an integrated information system for the management of human resources in the European Commission (and other institutions).

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Analysis of your request

Regulation (EC) No 1049/2001 provides that any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions, and limits defined in the Regulation.

According to Article 2(3), the Regulation *"shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession"*. According to Article 3 a), a document is *"any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audio-visual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility"*.

*

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that your application cannot be granted, as disclosure is prevented by the exception to the right of access laid down in Article 4(1)b of this Regulation, concerning the protection of personal data.

Article 4 (1) b of Regulation (EC) No 1049/2001 provides that *"[the] institutions shall refuse access to a document 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"*.

According to Article 3 (1) of Regulation (EC) 2018/1725¹, “‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’)”.

All the information specifically requested by you and contained in the documents identified above constitutes personal data. These data are not yet in the public domain, and no consent has been given for their disclosure. They are therefore covered by the exception provided for in Article 4(1)b of Regulation (EC) No 1049/2001, and may not be rendered public.

In the light of the above, I regret that I am unable to respond favourably to your request.

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In accordance with Regulation (EC) No 1049/2001, should you wish this decision to be reviewed, you may make a request in writing to the Secretary-General of the Commission at the address below, confirming your initial request. You have 15 days, following receipt of this letter, in which to do so, after which your initial request will be deemed to have been withdrawn.

The Secretary-General will inform you of the result of this review within 15 working days from the registration of your request, either by granting you access to the documents in respect of which access has been refused by the present decision, or by confirming the refusal. In the latter case, you will be informed of how you can take further action.

All correspondence should be sent to the following address:

The Secretary-General
sg-xxxxxxx@xx.xxxxxx.xx
European Commission
B-1049 Brussels

Yours sincerely,

Minna VUORIO

¹ Regulation (EC) No 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 Community institutions, bodies, offices and agencies, and on the free movement of such data, and repealing Regulation (EC) n. 45/2001 and Decision n.1247/2002/EC (OJ L 295 of 21.11.2018).