



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Directorate HR.C - Talent Management & Diversity - Executive Staff
Senior Management & CCA

Brussels
HR.C.1/SCP

Ms Myriam DOUO
Friends of the Earth
Rue d'Edimbourg 26
B-1050 Ixelles

Email:
ask+request-8556-fe4255f9@asktheeu.org

Dear Ms DOUO,

Subject: Your application for access to documents – Ref GestDem No 2020/5413

I refer to your e-mail of 14 September 2020 in which you make a request for access to documents. This request was registered at the same date under the above-mentioned reference number.

You request access to:

- The request for the appointment of Ms Nathalie Tocci as a Special Adviser to Josep Borrell made to DG ADMIN including the indication of the tasks to be carried out, the expected number of days' work and the estimate of mission appropriations, as well as the proposed rate of remuneration.
- Any correspondence (including emails, agendas, records and minutes of meetings, or any other correspondence) between DG ADMIN and Ms Nathalie Tocci.
- Any correspondence between the EEAS and the Secretariat-General mentioning Ms Nathalie Tocci.
- The assessment of conflict of interest made by DG ADMIN regarding Ms Tocci's appointment as special adviser to Josep Borrell.
- DG ADMIN's notification to the Member of the Commission with responsibility for Personnel and Administration of the outcome of this conflict of interest check.

I would like to inform you, that the third indent of your request has been registered separately as GestDem No 2020/5466 and will be answered by another Commission service.

Having examined the document covered by the first point of your request, I have come to the conclusion that it may be disclosed. It is attached to the present letter.

However, since the handwritten signature in this document is biometric data, there is a risk that its disclosure would prejudice the legitimate interests of the persons concerned. The signature has therefore been redacted in the attached copy.

In respect of indent 2, we include one mail of Ms Susan Panter to Ms Tocci of 28/07/2020 and three emails of Ms Tocci sent until 14/09/2020: two emails of 28/07/2020 and one email of 8/08/2020. For the reasons set out above, the handwritten signature has been redacted in the annex of the email of 8/08/2020.

In respect of indents 4 and 5 concerning the assessment of conflict of interest, we included an email of Mr Henk Post to Mr Pedro Serrano of 25/05/2020 detailing the assessment of conflict of interest made by DG HR and an email of Ms Susan Panter to Mr David Mueller of 12/05/2020 which notifies of the outcome of this conflict of interest check.

With regard to the last email of 12/05/2020 listed above, a complete disclosure of the identified document 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 of other 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 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 of other natural persons that are 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.

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 Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours sincerely,

Susan Panter
Head of Unit

Enclosures: Designation form of Ms Tocci
Emails: email of Ms Susan Panter to Ms Tocci of 28/07/2020, two emails of 28/07/2020 and one email of 8/08/2020 from Ms Tocci; email of Mr Henk Post to Mr Pedro Serrano of 25/05/2020 and an email of Ms Susan Panter to Mr David Mueller of 12/05/2020