



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

Resources and Support
Compliance and Planning

Brussels
CNECT.R.4

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Subject: Your access to documents request RefGestDem 2020/6989

Dear Mr Stolton,

We refer to your e-mail from 17 November 2020 wherein you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter 'Regulation 1049/2001'), registered under the abovementioned reference number.

1. SCOPE OF YOUR APPLICATION

You requested access to the following document:

*'- All communication between Google and the Commissioner of the Internal Market Thierry Breton and /or members of his team and cabinet, on the subject of Google's 'campaign' to discredit the Commissioner, as outlined in the Financial Times:
[https://urldefense.com/v3/_https://www.ft.com/content/d9d05b1e-45c0-44b8-a1ba-3aa6d0561bed_!!DOxrgLBm!R0IwBv304wnmk1aP3qOLoMFcwnu_JHVtLPv6kzmZN01PDEDFr5OUIXMSfzt6mw8XFqCFDg\\$](https://urldefense.com/v3/_https://www.ft.com/content/d9d05b1e-45c0-44b8-a1ba-3aa6d0561bed_!!DOxrgLBm!R0IwBv304wnmk1aP3qOLoMFcwnu_JHVtLPv6kzmZN01PDEDFr5OUIXMSfzt6mw8XFqCFDg$) . This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts.'*

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

We identified the following document as falling within the scope of GestDem 2020/6989:

- Read-out videoconference Thierry Breton and Sundar Pichai
(Ares(2020)6875601)

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified document under the provisions of Regulation 1049/2001, we have arrived at the conclusion that partial access can be granted to the document identified with only personal data redacted. Full disclosure of the requested document is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since it contains the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;

Article 9(1)(b) of the Data Protection Regulation¹ 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) Regulation 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.

4. REUSE OF DOCUMENTS

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 document 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 document. Please note that the Commission does not assume liability stemming from the reuse.

5. CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make 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:

¹ Regulation (EU) 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 Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

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 faithfully,

(e-signed)

Katleen Engelbosch
Head of Unit

Enclosure: (1)