



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.A.4/LA

By registered letter with acknowledgment of receipt

Ms Naomi HIRST
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Advance copy by email : ask+request-10222-7c5366e6@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2021/6983

Dear Madam,

We refer to your e-mail dated 15 November 2021 in which you make a request for access to documents, registered on 15 November 2021 under the above mentioned reference number.

You request access to “*All documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 2021-10-12 between Monika Maglione and European Internet Services Providers Association.*”

Please note that this reply relates only to the documents under the responsibility of the Directorate-General for Migration and Home Affairs. The Directorate-General for Migration and Home Affairs is responsible for the documents of the following meetings:

- 10 October 2021: Meeting *between Monika Maglione and European Internet Services Providers Association (EuroISPA)*

As a result, your application concerns the following document:

- Ares(2021)6232496 – Flash report - Meeting on digital policies EuroISPA

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that document may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in the first indent of Article 4(1)(a), Article 4(1)(b) and Article 4(3) of this Regulation.

1. Protection of decision-making process

The redacted parts of the document contain internal considerations and assessments related to ongoing decision-making processes, namely the work on legislation regarding the legislation on preventing and combatting child sexual abuse, also referred to as the (long-term instrument for the fight against child sexual abuse (CSA LTI). The disclosure of this information would reveal preliminary views and strategy options, which were being considered, and thus undermine the institutions' decision-making process, as it would deter staff from making such remarks independently and without being unduly influenced by the prospect of wide disclosure exposing the institution and services to which the civil servants belong.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. I observe that you have not provided any arguments to support any pressing need for the public to obtain access to the documents. I have also examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

2. Protection of personal data– Article 4(1)(b) of Regulation 1049/2001

In accordance with 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, a complete disclosure of the identified document is prevented, as the document contains 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 institutions or natural persons.

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 neither express any particular interest to have access to these personal data, nor put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

3. Disclaimer

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. 39–98.

The identified document was drawn up for internal use under the responsibility of the relevant services of the European Commission. They solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

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

Yours faithfully,

Monique PARIAT