



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels
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***By registered letter
with acknowledgment of receipt¹***

Advance copy by e-mail:

Subject: Your application for access to documents – GESTDEM 2021/7413

Dear Ms. Verheecke,

We refer to your email of 27 November 2021 in which you make a request for access to documents, registered on 29 November 2021 under the above-mentioned reference number.

We also refer to our letter of 20 December 2021 extending the time limit to respond to your request according to Article 7 (3) of Regulation (EC) No 1049/2001.

1. Scope of your request

On the basis of Regulation (EC) No 1049/2001², you requested access to:

All documents—including but not limited to correspondence (including email and letters) containing substantive discussion relevant to the meeting topic, attendance lists, agendas, background papers, transcripts, recordings, minutes, notes, and meeting conclusions—relating to the Participation of Pierre Delsaux in a DigitalEurope event on Building trust for the European Health Data Space on 23rd November 2021.

We consider your request to cover documents held up to the date of your initial application, i.e. 27 November 2021.

¹ 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 the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

² Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

VERHEECKE Lora
rue du Bronze 9 1070 Brussels
Belgium
Email: ask+request-10279-a413fc73@asktheeu.org

2. Identification and assessment of relevant documents

We have identified 2 documents that fall within the scope of your request.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that:

- Partial access can be granted to the documents as their full disclosure is prevented by one or several exceptions to the right of access laid down in Article 4 of the Regulation.

We enclose a copy of the documents redacted of the parts which cannot be disclosed as further explained below.

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

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.

3. Partial disclosure of documents

3.1. Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

With regard to the documents No 1 and 2, 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;
- other information relating to an identified or identifiable natural person.

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.

Therefore the documents No 1 and 2 are disclosed redacted of the parts containing personal data.

3.2. Access to a document, drawn up by an institution for internal use - Article 4(3), first subparagraph of Regulation (EC) No 1049/2001

With regard to the document No 1, a complete disclosure of the identified document is prevented by the exception outlined in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 which in this case concerns a document drawn up by the Commission for internal use which relates to a matter where the decision has not been taken by the institution and disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

4. Overriding public interest

The exceptions to the right of access provided for in the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested document. In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such ground either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

5. Means of redress

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

(e-signed)

Sandra Gallina
Director General

Enclosure: Attached table of documents and disclosed documents