



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Resource management and better regulation  
**Better regulation**

Brussels  
SANTE.A.1/CF

Lora VERHEECKE  
Rue du Bronze 9  
1070 Brussels  
Belgium

**by e-mail only:**  
ask+request-10474-  
5ca341be@asktheeu.org

Dear Sir/Madam,

**Subject: Your application for access to documents – GESTDEM 2022/0148**

We refer to your request of 08 January 2022 in which you make a request for access to documents, registered on 10 January 2022 under the above mentioned reference number.

We also refer to our email of 31 January 2022 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**

In your request, you ask on the basis of Regulation (EC) No 1049/2001 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 meeting between Ralf Kuhne and Karolina Herbout-Borczak with DigitalEurope on 25th September 2020.”*

**2. Identification and assessment of relevant documents**

We have identified 4 documents that fall within the scope of your request, namely:

1. 01. Ares(2020)5621801;
2. 02. Ares(2020)5621662;
3. 02.1. Annex to Ares(2020)5621662 and
4. 03. Ares(2022)713217.

Having examined all the documents under the provision of Regulation (EC) No 1049/2001, we have come to the conclusion that all the documents can be partially released, as their full disclosure is prevented by one exception to the right of access laid down in Article 4 of the Regulation, as further explained in paragraph 3.

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.

### **3. Reason for partial disclosure**

*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 identified documents, a complete disclosure 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 such as office/phone numbers or email addresses.

Article 9(1)(b) of the Data Protection Regulation<sup>1</sup> 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, we 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 document, 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 above-mentioned documents are disclosed redacted of the parts containing personal data.

### **4. 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  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Bruxelles,

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<sup>1</sup> 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.

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Carmen GARAU

Head of Unit

Enclosure: Disclosed documents