



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION
Working Conditions and Social Dialogue
Social Dialogue

Brussels
EMPL.C.3/JT/ER (2022)

Mr Maximilian Henning
E-mail: ask+request-11482-4ff7dd17@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/3724

Dear Mr Henning,

I refer to your e-mail of 27 June 2022 in which you make a request for access to documents, registered on 29 June 2022 under the above-mentioned reference number.

You request access to *'All minutes, agendas, summaries, notes or memos issued before or after; documents prepared for, issued in preparation for, or exchanged during; as well as all correspondence including attachments by either of the meeting parties related to the 22.06.2022 meeting between Commissioner Schmit and the German Trade Union Confederation (DGB)'*.

Your application concerns the following documents:

- *A briefing document 'Treffen mit der neuen DGB-Vorsitzenden Yasmin Fahimi' (registered under ARES reference: 2022/4943631 on 6/7/2022);*
- *An annex of the briefing file 'Lebenlauf – Yasmin Fahimi' (registered under ARES reference: 2022/4943631 on 6/7/2022);*
- *A flash report 'Cmsr Schmit and new DGB President - 22 June' sent on 27/06/2022 by e-mail;*
- *E-mail exchange concerning the meeting appointment (registered under ARES reference: 2022/3646563 on 13/5/2022).*

With regard to the documents, listed above, 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;
- handwritten signatures/abbreviated signatures of 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 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.

Please note that ‘Lebenlauf – Yasmin Fahimi’, a document originating from a third party, is 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 document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from their reuse.

On the briefing document, please note that this document is a preliminary draft, which does/do not reflect the position of the Commission and cannot be quoted as such.

Regarding the flash report, please note that this document was drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Employment, Social Affairs and Inclusion. It solely reflects the service’s interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, 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.

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 (Text with EEA relevance), OJ L 295, 21.11.2018, p. 39–98

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:

European Commission

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Jörg Tagger
Head of Unit