



Council of the European Union
General Secretariat

Directorate-General Communication and Information - COMM
Directorate Information and Outreach
Information Services Unit / Transparency
Head of Unit

Brussels, 7 November 2022

Mr Maximilian Henning
E-mail: ask+request-11858-997ffabf@asktheeu.org

Ref. 22/1943-adb/vk

Request made on: 22.09.2022
Deadline extension: 13.10.2022

Dear Mr Henning,

Thank you for your request for access to documents of the Council of the European Union¹.

Please find attached the documents you requested, namely responses from the following Member States: Austria, Belgium, Germany, two from Denmark, one from Estonia, two from Spain, one from Finland, two from France, Hungary, Italy, Malta, Poland, two from Portugal, Romania, Sweden and Slovenia.

Please find attached partially accessible versions of the following responses²: one from Estonia, one from Finland, that from the Netherlands, that from Lithuania.

I regret to inform you that full access cannot be granted, since these documents contain personal data which is necessary for the organisation of the work of the Council. The data protection rules at EU level³ provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.

¹ The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

² Article 4(6) of Regulation (EC) No 1049/2001.

³ Regulation (EU) No 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 (OJ L 295 21.11.2018, p. 39).

After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in the document would undermine the protection of privacy and the integrity of the identified individuals⁴.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to indicate the reasons thereof.

Yours sincerely,

Fernando FLORINDO

Enclosure

⁴ Article 4(1)(b) of Regulation (EC) No 1049/2001