

From: SG ACCES DOCUMENTS
Sent: 06 June 2014 09:24
To: [REDACTED]
Subject: RE: Demande d'accès aux documents - [REDACTED] - Gestdem 2014-2681

Dear [REDACTED],

With respect to your questions regarding the provision of a postal address, please find our explanations below.

On 1 April 2014, the postal address became a mandatory field for the purpose of introducing a request for access to documents.

The decision to ask for a postal address from applicants for access to documents was triggered by the following considerations:

- The need to obtain legal certainty as regards the date of receipt of the reply by the applicant under Regulation 1049/2001. Indeed, as foreseen by Article 297 of the Treaty on the Functioning of the European Union (TFEU), [...] decisions which specify to whom they are addressed, shall be notified to those to whom they are addressed and shall take effect upon such notification. Replies triggering the possibility for administrative or judicial redress are therefore transmitted via registered mail with acknowledgement of receipt. This requires an indication of a valid postal address by the applicant;
- The need to direct the Commission's scarce resources first of all to those requests which have been filed by "real" applicants. With only a compulsory indication of an e-mail address, applicants can easily introduce requests under an invented identity or under the identity of a third person. Asking for a postal address helps the Commission to protect the administration, as well as other citizens and legal persons, from abuse;
- For similar reasons, asking for a compulsory indication of a postal address enables the Commission services to verify whether Article 6(3) of the Regulation, on voluminous requests, is being evaded by introducing several requests under different identities. Indeed, in its Ryanair judgment, the General Court confirmed that Article 6(3) cannot be evaded by splitting the application into a number of applications. The Commission would like to point out that, in 2012/2013, it received some 57 confirmatory requests from what it suspects to be one single applicant operating under 13 different identities;
- Knowing whether the applicant is an EU resident in the sense of Article 2(1) of Regulation 1049/2001 is a precondition for the purpose of correctly applying the exception in Article 4(1)(b) of Regulation 1049/2001 (protection of the privacy and integrity of the individual), which has to be interpreted in accordance with Data Protection Regulation 45/2001. Article 9 of Regulation 45/2001 requires the adequacy of the level of protection afforded by the third country or international organisation when transmitting personal data to third-country residents or legal persons. It follows that, in case of requests for documents which include personal data, the correct application of the data protection rules cannot be ensured in the absence of a postal address enabling the Commission to ascertain that the minimum data protection standards will be respected.

All of these considerations show that the request for and the consequent processing of a postal address is not only appropriate but also strictly necessary for the performance of a task carried out in the public interest within the meaning of Article 5 (a) of Data Protection Regulation 45/2001, namely providing a smooth and effective access to documents.

This new approach constitutes a change of policy (before 1 April 2014 the Commission did not systematically ask for a postal address): it is precisely because of the various problems encountered by the Commission in its previous practice (legal uncertainty, false identities used etc.) that the Commission decided to change its policy in this respect. We also would like to point out that other institutions, such as the Court of Justice, already ask for the address in their respective electronic forms for access to documents requests.

We therefore kindly reiterate our request to you to provide a full postal address, so we can duly register and handle your request.

Best regards,

[REDACTED]
Access to Documents



European Commission
Secretariat General
Unit SG.B4 – Transparency

From: [REDACTED]
Sent: Friday, June 06, 2014 12:26 AM
To: SG ACCES DOCUMENTS
Subject: Re: Demande d'accès aux documents - [REDACTED] - Gestdem 2014-2681

[REDACTED]
I read the article you referred to.
I could not see where I need to have a postal address.
It did explain that as a citizen, I am entitled to access documents ye have, whether I am homeless or not.
You have failed to explain how homeless citizens are to access ec documents.
Please provide the document I requested, as is my right as a citizen,

Yours sincerely,

[REDACTED]
On 5 Jun 2014, at 12:55, <Sg-Acc-Doc@ec.europa.eu> wrote:

Dear [REDACTED],


Regarding your question, please see Article 2 of Regulation 1049/2001:



Beneficiaries and scope

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.

We would kindly like to ask you to provide your full postal address so we can handle your request. Failing to do so, unfortunately we have to close it in our system.

Best regards,


Access to Documents
<image001.png>
European Commission
Secretariat General
Unit SG.B4 – Transparency

From: 
Sent: Thursday, June 05, 2014 1:33 PM
To: SG ACCES DOCUMENTS
Subject: Re: Demande d'accès aux documents -  - Gestdem 2014-2681

Hi, can I have a copy of your procedural requirements.
Can I ask how ye deal with homeless eu citizens who do not have a postal address?

Yours sincerely,



On 5 Jun 2014, at 12:26, <Sg-Acc-Doc@ec.europa.eu> wrote:

Thank you for your request for access to documents.
Unfortunately you have not indicated your postal address that is required for registering and handling your request in line with the procedural requirements. Please send us your full postal address at your earliest convenience. Pending your reply, we reserve the right to refuse the registration of your request.

ACCESS TO DOCUMENTS
European Commission
Secretariat General
Unit SG.B4 – Transparency

From: sg-acc-doc@ec.europa.eu
[<mailto:sg-acc-doc@ec.europa.eu>]
Sent: Wednesday, June 04, 2014 10:44

PM

To: TAXUD ACCESS TO DOCUMENTS

Cc: SG ACCES DOCUMENTS

Subject: Demande d'accès aux documents - [REDACTED] - Gestdem 2014-2681

Please do no reply, this is an automatically generated email.

GestDem

Notification : A request for access to the documents below has been recorded under the GestDem reference 2014/2681 in the GestDem database. Please reply by 26/06/2014 (or postpone the date before this deadline). An acknowledgement has been sent to the requestor.

1. Requestor

First name

Last name

Acting as

Organisation

Email address

Postal address

Country

Telephone

Fax

4 - Citizen

none none none

Ireland

2. Requested document

Requested document

General Directorate
(DG) in charge

Language requested

Language by default

Date of request

Form language

SEC(2013)1/F - Form P35 return
Commissioners for ec staff working

Taxation and Customs Union DG

en

en

04-06-2014

en

SG.B.5
sg-acc-doc@ec.europa.eu