

EUROPEAN COMMISSION

LEGAL SERVICE
The Director General

Brussels, 27. 01. 2015

Mr Guido Strack
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BY E-MAIL AND REGISTERED MAIL WITH ACKNOWLEDGMENT OF RECEIPT

Subject: Your application for access to documents – Ref GestDem No 2014/5291

Dear Mr Strack,

I refer to your request introduced on 2 November 2014 and registered on 10 November 2014 under the above mentioned reference number, in which you make a request for access, under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereafter "Regulation 1049/2001") to:

- "all documents on existing databases at the Legal Service, their structure, functionality and the way they operate as well as all annexes and technical descriptions on these databases as well as
- all documents relating to the invitation to tender, technical specifications and other documents including all annexes and technical descriptions drawn up and planned outside on these databases".

On 22 December 2014, I sent you the list of eight databases that have identified as matching your request together with the list of documents identified. My first reply was related to databases:

1. BC (Base contentieux): Datenbank über Rechtssachen vor den Gerichten der Europäischen Union (EuGH usw.),
2. WTO-LD (suivi du contentieux devant le WTO): Datenbank über Verfahren bei der WHO,

¹ Official Journal L145, 31.05.2001, page 43

In this first letter, I have asked for a fair solution due to the number of documents matching your request. By email of 3 January 2015, you accepted to receive the reply related to databases SOLON and SOLON KM² by end of January and the reply related to the five last databases (FINSJ, NEMOS, JurRev, NAT and RECO)³ by end of February 2015.

As listed in my reply dated 22 December 2014 (document in attachment), the following documents have been identified as matching the part of your request related to SOLON and SOLON KM:

7. JUR(2008)90014: Solon update – supplementary specification
8. JUR(2009)90061: rules governing access rights to documents in Solon
9. JUR(2010)90024: supplementary specification – document scanning
10. Ares(2010)880346: HAN@SJ WP1 – Use Case Specification
11. Ares(2011)1187043: Search service in Chroniques de jurisprudence – Specifications
12. Ares(2012)642104: general test case
13. Ares(2013)215967: PDF Merge – general test case
14. Ares(2013)363073: Splitting of AJ document – specification
15. Ares(2013)3118220: Spécification Gestion et utilisation des marqueurs "Thèmes juridiques"

I would like to draw your attention to the fact that the identified documents are those related to the currently running databases.

After a concrete assessment of documents under numbers 7 to 15, I am pleased to inform you that full access can be granted to these documents with the exception of the names of the staff members not having the function of senior management staff at the Commission, since this information is covered by the exception provided for in Article 4(1)(b) ("*protection of personal data*")⁴ of Regulation 1049/2001.

Disclosure of this personal data would undermine the legitimate privacy rights of the concerned persons and, therefore, would be contrary to Article 4(1)(b) of Regulation 1049/2001. Indeed, according to the EU legislation regarding the protection of personal data, processing of personal data can only be carried out by the Commission if such processing is necessary and proportionate for the established purposes⁵. In the present case, I see no elements capable of showing the necessity for the refused data to be disclosed.

² SOLON et SOLON KM : Gestion documentaire et knowledge management

³ FINSJ (Gestion financière et contractuelle du SJ); NEMOS (suivi des demandes de saisine dans le contexte des manquements d'Etat); JurRev (suivi des demandes de révision de l'équipe Qualité de la Législation); NAT (suivi du contentieux national) and RECO (suivi des recouvrements de créance),

⁴ *"The institutions shall refuse access to a document where disclosure would undermine the protection of: [...] (b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data".*

⁵ Judgment of the Court of Justice of 29 June 2010, Case C-28/08P, European Commission v The Bavarian Lager Co. Ltd (paragraphs 77-78), European Court reports 2010 Page I-6055.

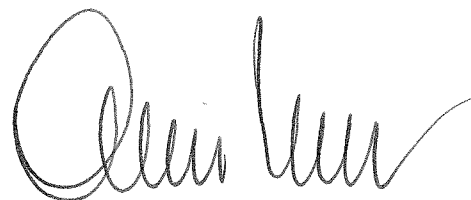
Accordingly, you will find enclosed an expunged version of documents under numbers 7 to 15. Please note that these documents cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Should you wish this position to be reconsidered, you should present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary General at the address below.

The Secretary General will inform you of the result of this review within 15 working days from the date of registration of your request. You will either be given access or your request will be rejected in which case you will be informed of how you can take further action.

All correspondence should be sent to the following address:

The Secretary General
European Commission
B-1049 BRUSSELS
Sg-Acc-Doc@ec.europa.eu

A handwritten signature in dark ink, appearing to read 'Luis Romero Requena', with a large, stylized initial 'L'.

Luis ROMERO REQUENA

Enclosures: 9