



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Unit 01: Programming, evaluation and communication

Brussels, 04 FEB. 2015
JUST.01/ ARES 2015

Ms Vicky Cann
CEO
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1050 Bruxelles

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By registered letter with acknowledgment of receipt

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2014/5380

We refer to your e-mail dated 12/11/2014 in which you make a request for access to documents, registered on 13/11/2014 under the above mentioned reference number.

Your application concerns "all documents (correspondence, including emails, notes/ minutes from any meetings etc) between former Commissioner Viviane Reding and the Bertelsmann Foundation".

In our e-mail of 06/01/2015 we have transmitted the list of documents we have identified as falling within the scope of your request. The full list is attached again, as annex to the present letter.

I am pleased to inform you that we can grant access to all documents. However, a number of them (all documents except 1; 2; 3; 4; 7; 14 and 38) to which you have requested access contain personal data.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

¹ OJ L 8 of 12.1.2001, p. 1

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

You have not so far expressed the need to have personal data included in the documents for which you requested disclosure. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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

Secretary-General

Transparency unit SG-B-4

BERL 5/327

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Mark HAYDEN

Acting Head of Unit

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

Contact:

JUST ACCESS TO DOCUMENTS TEAM,

e-mail: JUST-ACCES-DOCUMENTS@ec.europa.eu

Enclosures:

a) list of the documents

b) copy of all documents (expunged, where appropriate)

