



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate B

Brussels,  
SG/B.3/MIA-DCB

Ms Vicky Cann  
CEO  
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B-1050 Brussels

By e-mail:  
ask+request-1821-1f6625fa@asktheeu.org

**Subject: Your application for access to documents in accordance with Regulation 1049/2001– Ref. GestDem 2015/1340**

Dear Ms Cann,

We refer to your e-mail dated 4 March 2015 and registered on the same date under the above-mentioned reference number.

*In your e-mail, you request "...Further to my previous requests, I am requesting copies of all applications and accompanying materials, made under the commissioner code of conduct by ex-Commissioner Viviane Reding, regarding her new role as a member of the advisory board of the Global Economic Symposium. I would further like to request any emails, correspondence and meeting notes which relate to this application; all opinions from the ad hoc ethical committee; and the Commission decision(s)."*

I have identified 5 documents falling within the scope of your request:

1. Letter of Ms Reding to President Juncker and its annex of 05.02.2015 [Ref. Ares(2015)512936];
2. LS Consultation [E-mail of 11.02.2015 Ref Ares(2015)572038 and e-mail of 12.02.2015 Ref. Ares(2015)596974];
3. Decision of the Commission C(2015)916 of 13 February 2015;
4. PV of 18.02.2015- OJ 2116;
5. Letter of Ms Day to Ms Reding of 18.02.2015 [Ref. Ares(2015)690145];

You will find a detailed list enclosed.

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[http://ec.europa.eu/dgs/secretariat\\_general/](http://ec.europa.eu/dgs/secretariat_general/)

## 1. PUBLIC DOCUMENTS

Document n° 4 contains the extracts of the minutes of the Commission meeting in which the decisions on Ms Reding post-mandate activity was adopted. Please note that the minutes are already available to the public and therefore a copy is not enclosed.

## 2. CONCLUSIONS UNDER REGULATION 1049/2001

Following the examination of your request and of the documents concerned, I am pleased to grant you:

- Full access to documents n°1, 3 and 5 and to the draft decisions attached to document n° 2.
- Partial access to the cover e-mails accompanying the draft decisions in document n° 2.

You will find copies enclosed.

Please note that the document attached to documents n° 5 corresponds to document n° 3.

The reasons for the refusal of the deleted parts of the above-mentioned document are set out below.

The deleted parts in the accompanying e-mails to document n° 2 contain the names and the e-mail addresses of the Commission's officials in charge of the file and for obvious reasons this is personal data covered by the exception provided for in Article 4 (1) (b) of Regulation 1049/2001. Disclosing this information would reveal personal data and may undermine the privacy of the concerned Commission officials.

In its judgment in the *Bavarian Lager* case<sup>1</sup>, the Court of Justice ruled that when a request is made for access to documents containing personal data, Regulation (EC) No. 45/2001<sup>2</sup> (hereinafter the 'Data Protection Regulation') becomes fully applicable.

The concerned documents contain elements which undoubtedly constitute personal data in the meaning of Article 2(a) of Regulation (EC) No 45/2001, as they reveal information about an identified or an identifiable person. According to Article 8(b) of the Data Protection Regulation, which is fully applicable in this case, personal data shall only be transferred to recipients if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.<sup>3</sup> Those two conditions are cumulative.<sup>4</sup>

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<sup>1</sup> Judgment of the Court of Justice of 29 June 2010, Case C-28/08P, *European Commission v The Bavarian Lager Co. Ltd.*

<sup>2</sup> 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 data, Official Journal L 8 of 12.1.2001

<sup>3</sup> Cf. Judgment of the Court of 20 May 2003 in joined cases C-465/00, C-138/01 and C-139/01, preliminary rulings in proceedings between *Rechnungshof and Österreichischer Rundfunk*, paragraph 73.

I consider that in the present case the necessity of disclosing the aforementioned personal data to you has not been established in your request.

Consequently, access to personal data contained in the relevant parts of the above-mentioned documents has to be refused on the basis of the exception provided for in Article 4 (1) (b) of Regulation 1049/2001.

If you wish to appeal against this decision, you should write to the Commission Secretary-General at the address [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu). You have fifteen working days from receipt of this letter in which to appeal.



Marianne Klingbeil  
Director SG B f.f.

Annexes

Cc: [SG-DOSSIERS-ACCES@ec.europa.eu](mailto:SG-DOSSIERS-ACCES@ec.europa.eu)

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<sup>4</sup> Judgment of the Court (Grand Chamber) of 29 June 2010 in case C-28/08 P, Commission v Bavarian Lager, paragraphs 56, 63, 68, 76-79.