



COMMISSION EUROPÉENNE
DIRECTION GÉNÉRALE JUSTICE ET CONSOMMATEURS

Unité 01: Programmation, évaluation et communication

Brussels, 04 OCT. 2016
JUST.01

Ms Mireia CRESPO
CASTELLANO
Access Info Europe
Cava de San Miguel 8, 4C
28005 Madrid
SPAIN

By registered letter with acknowledgment of receipt

*Advance copy by email: Mireia Crespo
Castellano <ask+request-3262-
77461acc@asktheeu.org>*

Subject: Your application for access to documents – Ref GestDem No 2016/5507

Dear Madam,

I refer to your e-mail dated 02/09/2016 in which you make a request for access to documents, registered on 04/10/2016 under the above mentioned reference number.

You request access to

1. Memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping. I am particularly interested in documents that refer to creation/keeping of:

- Agendas (diaries of public officials' engagements), lists of meetings, minutes of meetings, lists of participants in meetings, and documents justifying decisions.

2. Memos, guidance, guidelines, or training material (or any other document) for DG staff on the processing of access to information requests.

We identified the following document as being covered by your application:

- Access to documents – Internal Guidelines.

The document to which you have requested access contains 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.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 9(1) of this Regulation and unless the conditions of Article 9(6) of the Regulation are met, personal data shall only be transferred to recipients, other than Community institutions and bodies, which are not subject to national law adopted pursuant to Directive 95/46/EC, if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

We consider that, with the information available, the fulfilment of these conditions has not been established. Therefore, we are disclosing the documents requested expunged from this personal data.

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 5/282

B-1049 Bruxelles

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

Yours sincerely,



Pinuccia Contino

Head of Unit

¹ Official Journal L 8 of 12.1.2001, p. 1

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.