

EUROPEAN COMMISSION

DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Resources

Inter-institutional relations, coordination, communication and strategic planning

Brussels, **29. 09. 2016**
TAXUD R2/VGa – ARES(2016) 6134833

Mireia Crespo Castellano
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(by e-mail and registered mail)

Dear Ms Crespo Castellano,

Subject: Your application for access to documents – Ref GestDem No 2016/4901

I acknowledge receipt of your application dated 2 September 2016 registered on the same day under the above reference. You request to have access to the documents as follows: *“memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping, and on the processing of access to information requests”*.

Your request has been dealt with according to Regulation 1049/2001 on public access to Commission documents¹.

I am pleased to send you herewith the documents expunged of the personal data they contain (names and contact details of the officials mentioned).

Indeed, 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

¹ If you wish to find out more about the transparency policy within the Union, please visit this page: http://ec.europa.eu/transparency/access_documents/index_en.htm

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 data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³. 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.

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 such 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.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled 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 Brussels

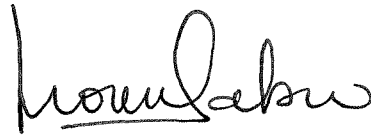
or by email to: sg-acc-doc@ec.europa.eu

² OJ L 8 of 12.1.2001, p. 1

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Momchil Sabev', with a stylized, cursive script.

Momchil Sabev
Head of Unit

Annex: as stated above