



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 14 DEC. 2016

Ms Margarida da Silva
CEO
Rue d'Edimbourg 26
1050 Brussels
By email: ask+request-3579-34b6d9f0@asktheeu.org

Subject: Your application for access to documents – Ref/GestDem No 2016/6655

Dear Ms da Silva,

I refer to your e-mail dated 25 November 2016 and registered on the same day in which you made a request for access to documents under the above mentioned reference number.

Your application concerns *"documents which relate to the job move by Jonathan Hill, former speechwriter to the President of the European Commission, to GML and any other external activities which he may be undertaking."*

In particular, I request a note of all Mr Hill's job titles in the Commission including dates held; copies of any application(s) that Mr Hill made under Article 16 of the Staff Regulations to undertake a new professional activity; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of the new role or roles."

I inform you that I have examined your request in the light of the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

In that respect, the documents which I have identified as falling under the scope of your request are the following:

- One application form submitted by Mr Hill on 9 November 2016, and registered on 11 November 2016, in the framework of Article 16 of the Staff Regulations.
- E-mail exchanges between 11 November 2016 and 25 November 2016 within the Commission services concerning this request for authorisation.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Hill. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. For this reason, I consider that the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001 applies.

As for the e-mail exchanges within the Commission services, I have concluded that access to those documents cannot be granted since the exception in Article 4(3) of Regulation (EC) No 1049/2001 applies. In relation to that provision, I have not identified an overriding public interest that would justify waiving that exception to the right of access.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) No 1049/2001, I have concluded that this would equally undermine the protection of personal data.

Against this background, I can nevertheless provide you with the following general information on the process to which your request relates.

Mr Hill submitted a declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), dated 9 November 2016 and registered on 11 November 2016, in which he requested authorisation to engage in a remunerated occupational activity as Director of Communication at GML Limited.

In addition, I can also provide you with some information concerning the last posts held by Mr Hill, covering the period taken into account in the assessment of any potential conflict of interest:

- From 16/01/2013 to 31/10/2014: Deputy Head of Cabinet of the Commissioner responsible for Education, Culture, Youth and Sport.
- From 1/11/2014 to 31/10/2015: Head of Cabinet of the Commissioner responsible for Education, Culture, Youth and Sport.
- From 01/11/2015 to 26/01/2016: Senior expert of Cabinet of the Commissioner responsible for Education, Culture, Youth and Sport.
- From 27/01/2016 to 11/11/16: Speechwriter at the Spokesperson's Service of DG Communication.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

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 Brussels

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

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irene Souka', with a stylized flourish at the end.

Irene SOUKA