



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director General

- 7. 02. 2017

Brussels,
HOME/E1/FV

By registered letter with acknowledgment of receipt

Mr. Nikolaj Nielsen
EU Observer
Rue Montoyer 18 B
1000 Brussels
Belgium

Advance copy by email: ask+request-3595-
3c96faa9@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2016/6793

Dear Mr. Nielsen,

We refer to your e-mail dated 01/12/2016 in which you make a request for access to documents, registered under the above mentioned reference number.

You request access to the final report submitted by France in 2013 that justified the 17.8 million euro from the EU Commission, following a 2012 PNR (Passenger Name Record) call for proposals.

Your application concerns the following document: Application form submitted by France, under the targeted call for proposals "Law enforcement cooperation through measures to set up Passenger Information Units in Member States for the collection, processing, analysis and exchange of Passenger Name Record (PNR) data", under the ISEC Annual Work Programme for 2012. In the framework of a call for proposals, the only document submitted by the applicant is the application form, which formed the basis for the award of the grant.

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 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/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the document requested expunged from this personal data.

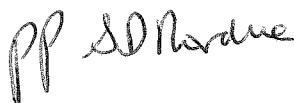
In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application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



Matthias RUETE

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.