



EUROPEAN COMMISSION

Secretariat-General

Directorate B - Institutional and Administrative Policies
SG.B.1-Corporate Management, Budget and Administration

Brussels,
e-mail: ask+request-3597-69e424fc@asktheeu.org

Subject: Your application for access to documents - Ref. GestDem 2016/6818

Dear Mr Schindler,

We refer to your e-mail dated 01/12/2016 in which you make a request for access to documents, registered on 05/12/2016 under the above mentioned reference number.

You have requested the following information/documents:

I am requesting all guidelines, notes, orders, communications, drafts, memos and all other information regarding this procedure. This includes information how to determine the criteria for "importance" of emails and the information who makes this determination and who can challenge this determination. I would also like to have all information included in this request when archiving was discussed with regards to obligations for record keeping and the provision of emails for future use as well as information loss, such as unsuccessful or successful data recovery. I would like to narrow the scope of this request to information between now and 2005.

I am pleased to enclose copies of the documents we have concerning e-mail deletion after 6 months. You will note that the degree of 'importance' of information contained in the e-mails is assessed by the sender/recipient of the e-mail and guidelines (in document Ares(2015)182108) have been put in place to help staff decide on the need to register or not an e-mail. This policy has launched at the beginning of 2015 to encourage staff to register e-mails in the official record keeping system (Ares) so as to ensure easy retrieval, by means of filing, and long-term retention.

Some of the documents to which you have requested access contains/contain 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.

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.

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 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

Disclaimer: 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,

Julien GUERRIER

Annexes: documents Ares(2015)182108, Ares(2015)408716, Ares(2015)496605, Ares(2015)535007, Ares(2015)2338417, Ares(2015)2783632, Ares(2015)4462454, Ares(2015)4866111, Ares(2016)2077072, Ares(2016)2075408, SEC(2009)1412, article from the June 2015 issue of "Commission en direct" (the Commission staff's magazine)