

EUROPEAN COMMISSION
OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS

The Director

Brussels, **14 FEB. 2016**
PMO/VG/FS

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Subject: Your application for access to documents – Ref GestDem N° 2017/320

We refer to your e-mail dated 18.01.2017 in which you request access to documents, registered the 19.01 under the reference number mentioned above.

You request access to documents which would contain information on the total number of individuals who joined President Juncker on the air taxi flight taken from Antalya to Brussels on 17.11.2015, according to the settlement of mission expenses DL-15-1144979, as well as a list of those individuals. More specifically you seek to obtain access to any documents that would enable you to know "the name, surname, job title, and organisation/body of those who are public officials (EU, other countries, intergovernmental organisations etc, respectively detailed), those who are lobbyists, those who are journalists, and any other individuals that joined Juncker on this flight."

Regarding the information requested, and having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be fully granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

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 data. Pursuant to Article 2(a) of Regulation No 45/2001, 'personal data' means any information relating to an identified or identifiable natural person. In this respect, personal data include surname and forenames of individuals. Furthermore, the Court

of Justice confirmed in case C-465/00 (Rechnungshof) that there is no reason of principle to justify excluding activities of a professional [...] nature from the notion of "private life. Consequently, pursuant to this Regulation, personal data can only be transferred to a person residing in a Member State of the EU if the necessity of disclosing the personal data has been established and if there is no reason to assume that the legitimate rights of the person concerned may be prejudiced. Since the necessity of disclosing the aforementioned personal data to you has not been established and it cannot be assumed that such disclosure would not prejudice the legitimate rights of the person concerned, the document containing the name and surname of individuals that joined President Juncker on the air taxi flight concerned cannot be disclosed.

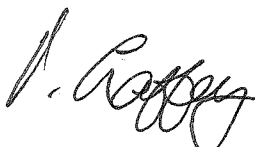
We have considered whether partial access could be granted to the document requested. However the same limitation applies, as the document contains limited information, such as the name and surname of passengers which are considered as personal data according to Regulation No 45/2001. Therefore, after expunging all the personal data, no relevant element would exist. However, we can inform you that a total of 17 people accompanied President Juncker, of whom 4 are Members of Cabinets, 3 senior Commission officials, 1 Deputy Spokesperson and 8 assistants, press officers and security staff and one journalist, under contract with the Commission.

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

Yours sincerely,



Veronica Gaffey