

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate C
Smart Regulation: Evaluation, Impact Assessment and Application of EU Law

Brussels,
C1/GK/iu D(2013) 1752217

Mr Pascoe Sabido
Via mail to [ask+request-490-
c012cb87@asktheeu.org](mailto:ask+request-490-c012cb87@asktheeu.org)

Subject: HLG-AB
Access to documents - SABIDO - GESTDEM 2013-2328
Deadline: 18/06/2013

Dear Mr Sabido,

I refer to your email dated 30 April 2013 in which you make a request for access to documents registered here on 6 May 2013 under the above mentioned reference number.

You request access to documents which contain the following information:

"Any applicant who has applied to be a member of the Commission's expert groups but been refused, as listed in the February State of Play produced on 28/02/2013 by the Commission regarding the Informal Dialogue on Expert Groups and Initiatives Taken by Commission Services.

Please also include all documents which give the justification for said unsuccessful applicants not being granted membership to the applied-for expert group."

Following your request, we have identified the following documents as falling under the scope of your request:

- The three consecutive mandates of the Group;
- The two Calls for Applications for the appointment of new members of the Group in 2013;
- An overview table containing relevant personal data of the candidates, together with the respective application letters and CVs;
- The letters sent to non-retained candidates.

After detailed examination, I am pleased to send you the following documents:

1. The three mandates of the Group;
2. The two Call for Applications;
3. The 14 letters sent to non-retained candidates, albeit without their personal data.

The reason, why we cannot grant you access to the above-mentioned overview table and the respective application letters and CVs is the following:

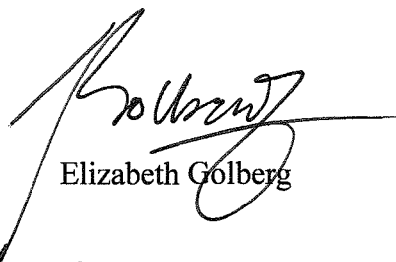
According to Article 4.1.b of the Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, the overview table containing relevant personal data of the candidates and the respective application letters and CVs of the candidates not retained are not being released with a view to protect the privacy and the integrity of the individuals concerned. The names and functions of these people constitute personal data in the meaning of Article 2(a) of the Data Protection Regulation¹. In its judgement in the *Bavarian Lager* case, the Court of Justice has ruled that, when a request is made for access to documents containing personal data, the Data Protection Regulation becomes fully applicable. This means that the necessity of disclosing the personal data must be established and that there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. In this case, the necessity of disclosing the personal data has not been established.

Having analysed the possibility of giving you partial access to the overview table containing relevant personal data of the candidates and the respective application letters and CVs of the candidates not retained, it appeared that it would not be possible without endangering their privacy and integrity.

On this reasoning, we are providing only partial access to the letters sent out to the non-retained candidates. You receive these letters without their personal data.

I hope that we have satisfied herewith your request.²

Yours sincerely,



Elizabeth Golberg

Annexes: 1 to 3) the three consecutive mandates of the Group
4 to 5) the two Calls for Applications in 2013
6 to 19) the 14 letters sent to non-retained candidates

¹ 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, Official Journal L8 of 12.1.2001.

² If you want this position to be reviewed you should write to the Commission's Secretary-General at the address below, confirming your initial request. You have fifteen working days in which to do so from receipt of this letter, after which your initial request will be deemed to have been withdrawn. All correspondence should be sent to the following address:

The Secretary-General
European Commission
B-1049 BRUSSELS
Belgium