



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

By registered letter with acknowledgment of receipt

Brussels,

Klaus Zinser
Hauptstrasse 8
Bad Schussenried
88427 Deutschland

Advance copy by email: ask+request-6018-31f3340c@asktheeu.org

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2018/5989

I refer to your e-mail dated 06/11/2018 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You request access to “[...]a list of all EU commission employees with British nationality working for the EU commission. [...]”

I note that your request is submitted in the framework of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.¹

Having examined the content of your request under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that your request cannot be granted, as disclosure is prevented by the exception to the right of access concerning the protection of the privacy and integrity of the individual, pursuant to Article 4(1)(b) of that Regulation.

Article 4(1)(b) of Regulation 1049/2001 provides that “[...]the institutions shall refuse access to a document where 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”.

When access is requested to documents containing personal data, Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC² (‘Regulation 2018/1725’) becomes fully applicable.³

¹ OJ L 145, 31.5.2001, p. 43.

² Official Journal L 205 of 21.11.2018, p. 39.

³ Judgment of the Court of Justice of the European Union of 29 June 2010 in Case C-28/08 P, Commission v The Bavarian Lager Co. Ltd, ECLI:EU:C:2010:378.

Article 3(1) of Regulation 2018/1725 provides that personal data ‘*means any information relating to an identified or identifiable natural person [...]*’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.

It derives from the above rules that the information you request relates to identifiable natural persons, and therefore must be considered as personal data within the meaning of Article 3(1) of Regulation 2018/1725, and is subject to the exception provided for by Article 4(1)(b) of Regulation 1049/2001. In addition, it must be noted that the very nature of the information you request does not allow for the consideration of a partial disclosure.

Consequently, given the above analysis, I regret to inform you that your request for access to documents cannot be granted under Regulation (EC) No 1049/2001, as disclosure of the information requested would undermine the protection of personal data.

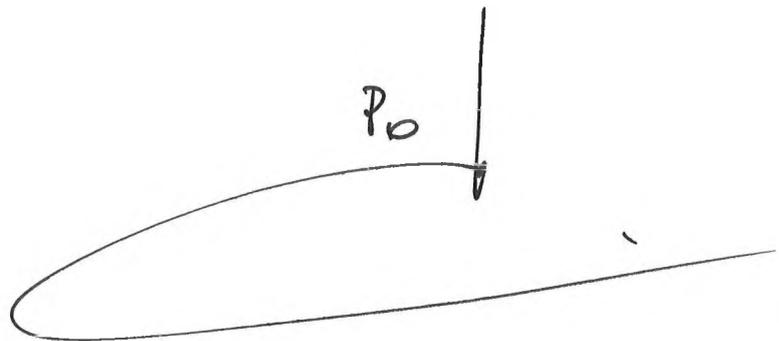
In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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, Document Management & Access to Documents (SG.C.1)
BERL 5/282
B-1049 Bruxelles

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

Yours faithfully,

A handwritten signature in black ink, consisting of a large, sweeping loop followed by a vertical line ending in a downward-pointing arrowhead. The initials 'Pb' are written above the vertical line.

Irene SOUKA