



**EUROPEAN COMMISSION**

Directorate-General for Communications Networks, Content and Technology

Resources and Support  
**Compliance and Planning**  
Head of Unit

Brussels,  
CONNECT/R4

**Ms. Rachel Tansey**  
Corporate European Observatory  
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*Copy sent in advance by email:*  
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**REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT**

**Subject: Your application for access to documents – Ref GestDem No 2019/0469**

Dear Ms Tansey,

We refer to your access to documents application submitted in accordance with Article 2(1) of Regulation 1049/2001 on public access to documents (hereinafter, 'Regulation 1049/2001') received on 13/12/18 and registered on 25/01/19 under the above mentioned reference number. We also refer to our clarification request dated 07/02/19 ([Ares\(2019\)710904](#)) and your reply to such request dated 07/02/19 ([Ares\(2019\)741889](#)).

**1. SCOPE OF YOUR APPLICATION**

In your application, you requested access to:

*“(i) a list of meetings between DG CNECT officials and/or representatives (including the Commissioner and her Cabinet) and*

*- representatives of collaborative economy platform companies (such as, but not limited to, Amazon (including Amazon Mechanical Turk/ 'MTurk'), Deliveroo, TaskRabbit, Upwork, HomeAway, ClickWorker, Wimdu, Interhome, etc);*

*- consultancies or law firms acting for any of these companies (such as, but not limited to, FIPRA International, FTI Consulting, Covington & Burling, Technology Policy Advocates, acumen public affairs, Gide Loyrette Nouel, Flint Europe, EUROS / AGENCY, Delany & Covely, etc);*

- *representatives of the Consumer Choice Center, Sharing Economy Ireland, Asociación Española de la Economía Digital (adigital), and any other collaborative economy platform interest groups; and,*

- *representatives of cross-sectoral industry federations (such as, but not limited to, BusinessEurope and AmCham EU),*

*at which the Collaborative Economy Communication, or follow-up to it, was discussed (since January 2015);*

*(ii) minutes and other reports of these meetings;*

*(iii) all correspondence (including emails) between DG CNECT officials and/or representatives (including the Commissioner and Cabinet) and representatives of the entities listed in part (i), concerning the Collaborative Economy Communication, or follow-up to it, since January 2015.”*

Following a request for clarification, you confirmed that you were interested in meetings and documents relating specifically to the 2016 Communication on collaborative economy. With regard to the type of follow-up required under the third category of your request, you also specified that for the period following the adoption of the aforementioned Communication, you were interested in meetings and documents in which this Communication was the subject of discussion.

## **2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST**

We have been able to identify the following documents as falling within the scope of your request. For part (i) of your request, no documents were found.

1. Meeting request received from Lysios (Public Affairs) via email on behalf of Blablacar on 19/01/16 ([Ares\(2019\)1576676](#))
2. Informal minutes of meeting with Blablacar of 02/02/16 ([Ares\(2019\)1576115](#))
3. Letter received from Delanyco by email on 10/02/16 ([Ares\(2016\)929579](#))
4. Meeting request received from TechUK via email on 25/02/16 (including one attachment) ([Ares\(2019\)1576806](#))
5. Email exchange in preparation of meeting with TechUK of 06/04/16 (including one attachment) ([Ares\(2019\)1576806](#))
6. Informal minutes of meeting with TechUK of 19/04/16 ([Ares\(2019\)1576927](#))
7. Meeting request received from HomeAway on 03/11/16 (accompanying attachment not being identified for the purposes of this request because it falls outside its scope) ([Ares\(2019\)1813583](#))
8. Email received from Expedia on 30/08/17 (including 3 attachments) ([Ares\(2019\)1576426](#))

## **3. ASSESSMENT UNDER REGULATION 1049/2001**

Having examined the documents requested under the provisions of Regulation 1049/2001, we have come to the conclusion that they can be partially disclosed. Some parts of these documents

have been redacted as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001. Since some of these documents originate from third parties, the latter have been consulted pursuant to Article 4(4) of Regulation 1049/2001.

The documents for which you have requested access contain personal data, in particular names, functions and contact details.

Pursuant to Article 4(1) (b) of Regulation 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 (EU) 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/EC<sup>1</sup> (hereinafter, ‘Regulation 2018/1725’).

Indeed, 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.<sup>2</sup> Please note in this respect that the names, functions, telephone numbers and/or initials pertaining to staff numbers of an institution are to be considered personal data<sup>3</sup>.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *‘[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’*. Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of

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<sup>1</sup> Official Journal L 205 of 21.11.2018, p. 39.

<sup>2</sup> Judgment of the Court of Justice of the European Union of 20 December 2017 in Case C-434/16, *Peter Nowak v Data Protection Commissioner*, request for a preliminary ruling, paragraphs 33-35, [ECLI:EU:C:2017:994](#).

<sup>3</sup> Judgment of the General Court of 19 September 2018 in case T-39/17, *Port de Brest v Commission*, paragraphs 43-44, [ECLI:EU:T:2018:560](#).

the personal data for that specific purpose after having demonstrably weighed the various competing interests.

In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned. Therefore, we are disclosing a version of the documents requested in which this data has been redacted.

Please note that some of the documents being transmitted were produced by the European Commission. You may reuse these 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.

Furthermore, some of the documents being transmitted were drawn up for internal use under the responsibility of the relevant services of DG CNECT. Such documents solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer. They do not reflect the position of the Commission and cannot be quoted as such.

Moreover, some of the documents being transmitted originate from third parties. Such documents are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. These documents do not reflect the position of the Commission and cannot be quoted as such.

Also, Documents No. 2, 3 and 7 contain data which does not fall within the scope of your access to documents application. Therefore, we are disclosing a version of the documents requested in which this data has been redacted and specifically marked as 'out of scope'.

#### **4. CONFIRMATORY APPLICATION**

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection

of personal data, 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  
Secretariat-General  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(e-Signed)  
Katleen Engelbosch

Enclosures: 13