



**EUROPEAN COMMISSION**

Directorate-General for Communications Networks, Content and Technology

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

Brussels,  
CONNECT/R4

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**REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT**

**Subject: Your application for access to documents- Ref GestDem 2019/3059**

Dear Mr Fanta,

We refer to your e-mail dated 22 May 2019 in which you make a request for access to documents in accordance with Article 2(1) of Regulation 1049/2001 on public access to documents (hereinafter, 'Regulation 1049/2001'), registered on 3 June 2019 under the abovementioned reference number. We also refer to our holding reply dated 25 June 2019, [our reference Ares\(2019\)4028923](#), whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

**1. SCOPE OF YOUR APPLICATION**

You requested access to:

*'- Meeting minutes of all meetings of the High Level Expert Group on Fake News and Online Disinformation and the working group responsible for the creation of the Code of Practice on Disinformation, from its inception last year till its conclusion;*

*- All preparatory emails and other documents related to the work of the High Level Expert Group.'*

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

We have identified the following documents:

### **a. All minutes of meetings of the High-Level Expert Group on Fake news and the Multistakeholder Forum on Disinformation**

- **Document 1:** Minutes of the First Meeting of the High-Level Expert Group on Fake News, 15 January 2018;
- **Document 2:** Minutes of the Second Meeting of the High-Level Expert Group on Fake News, 7 February 2018;
- **Document 3:** Minutes of the Third Meeting of the High-Level Expert Group on Fake News, 23 February 2018;
- **Document 4:** Minutes of the Fourth Meeting of the High-Level Expert Group on Fake News, 7 March 2018;
- **Document 5:** Minutes of the First Meeting of the Multistakeholder Forum on Disinformation, 29 May 2018;
- **Document 6:** Minutes of the Second Meeting of the Multistakeholder Forum on Disinformation, 20 June 2018;
- **Document 7:** Minutes of the Third Meeting of the Multistakeholder Forum on Disinformation, 17 July 2018;
- **Document 8:** Minutes of the Fourth Meeting of the Multistakeholder Forum on Disinformation, 17 September 2018.

### **b. Other documents related to the work of the High-Level Expert Group (including preparatory emails)**

- **Document 9:** Invitation to High Level Expert Group, 22 December 2017;
- **Document 10:** Letter to the members of the High- High-Level Expert Group on Fake News, 10 January 2018 and its Annexes: Agenda (**Document 11**), Background Note on Fake News and Disinformation online (**Document 12**) and Rules of Procedure of the High-Level Group of Experts on Fake News (**Document 13**);
- **Document 14:** Standard privacy statement;
- **Document 15:** Note to the attention of High-Level Expert Group on Fake News: Rules on Reimbursement, 16 January 2018 and the attached information sheet (**Document 16**);
- **Document 17:** Email to the members of the High Level Expert Group on Fake News, 17 January 2018;
- **Document 18:** Email to the Chair and members of the High-Level Expert Group on Fake News, 22 January 2019 and the attached list of subgroups;

- **Document 19:** Agenda of the second High-Level Expert Group Meeting;
- **Document 20:** Note to the attention of High-Level Expert Group on Fake News: Rules on Reimbursement, 19 February 2018 and the abovementioned (**Document 16**) attached information sheet;
- **Document 21:** Agenda of the third High-Level Expert Group Meeting;
- **Document 22:** Note to the attention of High-Level Expert Group on Fake News: Rules on Reimbursement, 2 March 2018 and the abovementioned (**Document 16**) attached information sheet
- **Document 23:** Agenda of the fourth High-Level Expert Group Meeting
- **Document 24:** Report of the independent High-Level Expert Group on fake news and online disinformation.

### 3. ASSESSMENT UNDER REGULATION 1049/2001

Having assessed the identified documents under the provisions of Regulation 1049/2001, we have arrived at the conclusion that full disclosure can be granted for sixteen documents. Partial access with only personal data redacted can be granted to all other documents.

#### **A. Full disclosure**

**Documents No 1-8, 11-14, 16, 19, 21, 23 and 24** are fully disclosed.

Please note that **documents 1-4, 11-13, 19, 21, 23 and 24** are publicly available on the Register of Commission Expert Groups via the following link:

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3567>

**Documents 5-8** are publically available via the following link:

<https://ec.europa.eu/digital-single-market/en/news/meeting-multistakeholder-forum-disinformation>

#### **B. Partial access with only personal data redacted**

Parts of **documents No 9, 10, 15, 17, 18, 20 and 22** contain personal data, in particular names, initials, contact details, functions, handwritten signatures of the Commission staff. They also contain contact details (email addresses and telephone numbers) of the members of the High-Level Expert Group. Pursuant to Article 4(1)(b) Regulation 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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is 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/EC<sup>1</sup> ('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, signatures, functions, telephone numbers and/or initials pertaining to staff members 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 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.

In your application, you do not put forward any arguments to establish the necessity to have the personal 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.

Consequently, I conclude that access cannot be granted to the abovementioned 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. We are therefore disclosing a version of the mentioned documents with the personal data redacted.

You may reuse the documents 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.

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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 Novak v Data Protection Commissioner, request for a preliminary ruling, paragraphs 33-35, ECLI:EU:T:2018:560

<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

#### 4. CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review the above positions.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

(e-Signed)  
Katleen ENGELBOSCH

Enclosures: (24)