



IT POLICY UNIT

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TZ/ALS/vm/D 1329 C 2019-0559
Please use edps@edps.europa.eu for all
correspondence

Subject: Your request for access to documents under Regulation (EC) 1049/2001

Dear Mr Liddle,

On 6 June 2019 you sent an access to documents request to the EDPS on the basis of Regulation (EC) 1049/2001, which was registered on the same day.

Your request concerns the EDPS inspection of the websites of several EU institutions and bodies, where you request access to *'the finished report in which the findings of the remote investigation were produced'*.

We regret to inform you that access is denied in line with Article 4(2) third indent of Regulation 1049/2001 (EC) relating to the protection of the purpose of inspections, investigations and audits. According to this provision, access should be refused if the disclosure of a document could possibly undermine the completion of inspections, investigations or audits.

The inspection of the websites of EU institutions and bodies is conducted in several waves. The first wave is still on-going in a follow-up procedure where the EDPS checks the implementation of the recommendations and overall compliance. In order for the EDPS's inspections to be effective and lead to the desired result as regards the correct application of Regulation (EU) 2018/1725, it is essential that confidentiality of such inspection is preserved. Disclosing any documents related to the ongoing inspection would unduly interfere with the procedure and may undermine the rights and interests of the entities concerned. Additionally, a disclosure of the reports could possibly undermine the completion of the inspection.

In addition, following a thorough assessment of the circumstances of the case, we have not found any elements that would give rise to public interest in public disclosure of the reports.

We have furthermore considered whether partial access could be granted to the documents requested. In this context, full or partial disclosure of the documents is prevented by the same exception since the effect of partial disclosure would, in the light of your request, anyhow be considered as information that could possibly undermine the completion of the inspection.

However, please be informed that we are considering making public some of the general findings, considerations and recommendations of the first wave of the inspections at a later stage. These would practically complement the EDPS' Guidelines on the protection of personal data processed through web services provided by EU institutions, issued in 2016.

Please note that pursuant to Article 7(2) of Regulation (EC) 1049/2001, you may make a confirmatory application asking the EDPS to reconsider his position as regards to the partial refusal of your request. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the EDPS general e-mail: edps@edps.europa.eu.

Yours sincerely,



Thomas ZERDICK
Head of IT Policy Unit

Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be aware that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of answering your request. The legal base for this processing operation is Regulation (EC) 1049/2001 and Article 52(4) of the Regulation (EU) 2018/1725. Subject to applicable rules under EU legislation, the personal data relating to you, as provided in your request, are used solely for the purpose of replying to your request. EDPS staff members dealing with the request will have access to the case file containing your personal data on a need-to-know basis. Your personal data are not disclosed outside the EDPS. Your personal data will be stored electronically for a maximum of ten years after the closure of the case, or as long as the EDPS is under a legal obligation to do so. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. You may contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data.