



EUROPEAN COMMISSION

Directorate-General for Financial Stability, Financial Services and Capital Markets Union

Horizontal policies

Financial technology and sustainable finance

***Rebecca Vaughan
40 Bermondsey Street
London***

***By registered letter with acknowledgment
of receipt***

***Advance copy by email: ask+request-
7191-6f0e33b0@asktheeu.org***

Brussels, 5 September 2019

Dear Madam,

Subject: Your application for access to documents – Ref GestDem No 2019/4537

We refer to your e-mail sent via the AsktheEU.org website dated 05/08/2019 in which you make a request for access to documents, registered on 05/08/2019 under the above-mentioned reference number.

Please note that AsktheEU.org is a private third-party website which has no link with any institution of the European Union. Therefore, the European Commission cannot be held accountable for any technical issues or problems linked to the use of this system. Please note that the private third party running the AsktheEU.org website is responsible and accountable for the processing of your personal data via that website, and not the European Commission. For further information on your rights, please refer to the third party's privacy policy.

You request access to all documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, and minutes/notes) relating to the outreach activities undertaken by the Sustainable Finance Technical Expert Group (TEG) as listed in the TEG outreach plan, also specifically mentioning key stakeholder outreach events and meetings.

I consider your request to cover documents held up to the date of your initial application, i.e. 5 August 2019.

Your application concerns the documents specified in the Annex, which are attached to this letter.

Please note that, pursuant to Article 4(1)(b) of Regulation (EC) 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 (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/EC¹ ('Regulation 2018/1725').

Some of the documents to which you request access contain personal data, in particular names, surnames and e-mail addresses. 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.²

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 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, I 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.

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

¹ Official Journal L 205 of 21.11.2018, p. 39.

² 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](#).

personal data, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission

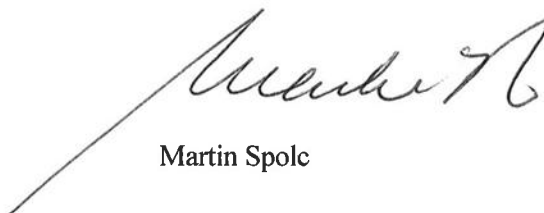
Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Martin Spolc', with a long, sweeping underline that extends to the left.

Martin Spolc

Head of Unit Financial technology and
sustainable finance

Annex: List of documents shared under the request Ref GestDem No 2019/4537

Documents related to all TEG subgroups:

1. Title: Stakeholders dialogue – agenda;
Author: FISMA staff; Date: 21 June 2019
2. Title: Stakeholder dialogue - official minutes;
Author: FISMA staff; Date: 24 June 2019
3. Title: Stakeholders dialogue – summary_Redacted;
Author: FISMA staff; Date: 26 June 2019

Documents related to Benchmarks subgroup:

4. Benchmarks Roundtable with asset managers – agenda
Author: FISMA staff; Date: 18 December 2018
5. Benchmarks Roundtable with asset managers – meeting minutes
Author: FISMA staff; Date: 18 December 2018
6. Benchmarks Roundtable with asset managers – list of invitees_Redacted
Author: FISMA staff; Date: 18 December 2018
7. Benchmarks Roundtable with asset managers – presentation
Author: FISMA staff; Date: 18 December 2018
8. Benchmarks Roundtable with asset owners - agenda
Author: FISMA staff; Date: 17 October 2018
9. Benchmarks Roundtable with asset owners – meeting minutes
Author: FISMA staff; Date: 17 October 2018
10. Benchmarks Roundtable with asset owners – list of invitees_Redacted
Author: FISMA staff; Date: 17 October 2018
11. Benchmarks Roundtable with index providers – agenda
Author: FISMA staff; Date: 18 December 2018
12. Benchmarks Roundtable with index providers – meeting minutes
Author: FISMA staff; Date: 18 December 2018
13. Benchmarks Roundtable with index providers – list of invitees_Redacted
Author: FISMA staff; Date: 18 December 2018
14. Benchmarks Roundtable with index providers – presentation
Author: FISMA staff; Date: 18 December 2018
15. Benchmarks Questionnaire for data issuers – list of respondents_Redacted
16. Benchmarks Questionnaire for data issuers – questionnaire

Documents related to Disclosures subgroup:

17. Open stakeholder meeting - participants list_Redacted
Author: FISMA staff; Date: 18 October 2018
18. Open stakeholder meeting – agenda
Author: FISMA staff; Date: 18 October 2018
19. Open stakeholder meeting – meeting minutes
Author: FISMA staff; Date: 18 October 2018
20. Webinar with International Association of Oil & Gas Producers – summary_Redacted
Author: FISMA staff; Date: 19 November 2018
21. Meeting with European Issuers – agenda_Redacted
Author: European Issuers; Date: 12 November 2018

Documents related to EU Green Bond Standard subgroup:

22. Meeting with EACT working group – summary_Redacted
Author: TEG member; Date: 30 November 2018
23. Minutes for Event FISMA 7271_Redacted - EDF Paris issuers meeting
Author: FISMA staff; Date: 10 December 2018
24. Invitation for meeting in Brussels 19 March 2019_Redacted - Verifiers meeting invitation
Author: TEG member; Date: 7 March 2019
25. TEG-mtg9-minutes final – Contains take-aways of verifiers meeting
Author: FISMA staff; Date: 16 April 2019
26. TEG outreach session for public sector bond issuers_ La Bourse Paris April 10th_Redacted
Author: FISMA staff; Date: 27 March 2019

Documents related to Taxonomy subgroup:

27. Taxonomy workshops - list of invited experts_Redacted
Author: FISMA staff; Date: 24 June 2019
28. Taxonomy workshops – agenda
Author: FISMA staff; Date: 17 April 2019
29. Taxonomy workshops – official minutes
Author: FISMA staff; Date: 17 April 2019
30. Taxonomy workshops - ICT workshop summary_Redacted
Author: TEG experts; Date: 2 April 2019
31. Taxonomy workshops - Manufacturing background paper_Redacted
Author: TEG experts; Date: 29 March 2019
32. Taxonomy workshops -Transport summary_Redacted
Author: TEG experts; Date: 28 March 2019
33. Taxonomy workshops -WSW summary_Redacted
Author: TEG experts; Date: 29 March 2019
34. TEG workshop - DNSH transcript_Redacted
Author: TEG experts; Date: 3 April 2019
35. TEG Workshop - Energy summary_Redacted
Author: TEG experts; Date: 4 April 2019

