



EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate A - Strategy & Resources
DIGIT A3 - ICT Procurement & Contracts

Brussels,
DIGIT.A.3.001/EA

Mr. Jamie Wabungo
Dijkstraat 2
9200 Dendermonde
BELGIUM

By registered mail

Advance copy by e-mail:
ask+request-7293-
f5e22a09@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2019/5640

Dear Sir,

We refer to your message sent on 16 September 2019, through ‘ask the EU’ platform, in which you make the following request for access to documents:

“According to the Information released by the OLAF's supervisory committee in its 2018' activity report, the development of the IT system called OCM (OLAF Content Management) containing OLAF's operational documents, not only was extremely costly, it was also subcontracted to IT private companies with extra muros IT specialists.

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the information about following aspects:

Can the Commission (OLAF and DIGIT) provide information (and disclose related documents) that one of these companies (European Dynamics) took the Commission and OLAF to Court about a tender procedure ?

Can the Commission and OLAF provide information (disclose related documents) that European Dynamics employees were involved in the development of OCM?

Can the Commission / OLAF provide information (disclose related documents) that the OCM developers have access, for testing purposes, to operational information related to companies or individuals?

What were the measures taken to ensure the protection of the personal data of the individuals?"

As you were informed by OLAF on 26 September 2019, the Directorate-General Informatics will only handle the first part of your request, namely:

"Can the Commission (OLAF and DIGIT) provide information (and disclose related documents) that one of these companies (European Dynamics) took the Commission and OLAF to Court about a tender procedure ?"

1. INTRODUCTION

Following your request, the Directorate-General Informatics sent you an email on 4 October 2019 (Ares(2019)6159632) to inform you that the delay will be extended to 28 October 2019 for the part of your request that will be handled by DG DIGIT.

2. NO DOCUMENTS CORRESPONDS TO THE SCOPE OF YOUR REQUEST

We understand that your question concerns the tender procedures under which the OCM (Olaf Content Management) was developed, and any complaints lodged by European Dynamics in this context.

According to the information provided to us by OLAF, European Dynamics was not involved in the development of OCM.

For this reason, we regret to inform you that our Directorate-General Informatics does not hold any documents that would correspond to the description given in your applications, as European Dynamics was not involved in the development of OCM.

As specified in Article 2(3) of Regulation (EC) No 1049/2001¹, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

3. SIMILAR DOCUMENT

However, in order to answer to your request in the most comprehensive way possible, the Directorate-General Informatics informs you that judgements and other documents regarding to court proceedings can be found on the website of the Court of Justice of the European Union https://curia.europa.eu/jcms/jcms/j_6/en/ .

¹ Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (*Official Journal* L 145, 31/05/2001, p. 43)

4	T-457/10 - Evropaiki Dynamiki v Commission	http://curia.europa.eu/juris/fiche.jsf?id=T%3B457%3B10%3BRD%3B1%3BP%3B1%3BT2010%2F0457%2FJ&text=DESI&oqp=&for=&mat=or&lgrec=en&jge=&td=%3BALL&jur=C%2CT%2CF&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7449726
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However, these court cases do not directly relate to the development of OCM.

We trust that you will find this additional information helpful.

4. MEANS OF REDRESS

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 Secretariat-General of the Commission at the following address:

European Commission
 Secretariat-General
 Transparency, Document Management & Access to Documents (SG.C.1)
 BERL 7/076
 B-1049 Bruxelles

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

Yours faithfully,

(e-signed)

Mário Campolargo,
 Deputy Director-General,
 in absence of
 Gertrud INGESTAD
 Director-General