



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR INFORMATICS

The Director-General

Brussels, 18. 10. 2016  
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By registered copy with  
acknowledgement of receipt

Advance copy by e-mail (without  
attachments):



**Subject: Your application for access to documents**

**Ref.: GESTDEM 2016/5678**

Dear Sir,

We refer to the request for access to documents which you made on 6 October 2016, which was registered on 12 October 2016 under the above-mentioned reference.

Your application relates to documents which you describe as follows:

*“Guideline / Documentation (user or training manual) on [...]”*

- 1) PM<sup>2</sup> (Project Management methodology)*
- 2) RUP@EC (software development methodology)*
- 3) Agile RUP@EC (software development methodology)”*

**1. ASSESSMENT OF YOUR REQUEST FOR ACCESS TO GUIDELINE / DOCUMENTATION (USER OR TRAINING MANUAL) ON PM<sup>2</sup>**

We have identified the following document which corresponds to your request for access mentioned under point 1) of your application:

*PM<sup>2</sup> Project Management Methodology Guide. Current Edition: Version 2.5, September 2015*

The document to which you have requested access contains personal data, in particular the names of various contributors to its content (on pages I and A-I).



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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the document requested expunged from these personal data.

Please note that all PM<sup>2</sup> Methodology material is drawn up as reference documentation for internal use in the European Commission. Therefore part of the content of the document will not be applicable or useful outside that context (such as references to the European Commission Project Management Community of Practice, Support and Consultancy, etc.).

You may reuse the document requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and 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.

## **2. ASSESSMENT OF YOUR REQUESTS FOR ACCESS TO GUIDELINE / DOCUMENTATION (USER OR TRAINING MANUAL) ON RUP@EC AND AGILE RUP@EC**

As regards your requests for mentioned under points 2) and 3) of your application, no guideline or manual as such exists, but we have identified an internal website outlining practices in the area of RUP@EC and Agile RUP@EC.

I regret to inform you that, in these cases, your application for access cannot be granted, as —apart from the question of whether the above-mentioned website would qualify as a “document” in the sense of Regulation (EC) No 1049/2001—, disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of this Regulation.

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission / The Bavarian Lager Co. Ltd, ECR 2010 I-06055.



Indeed, the internal website contains various views of RUP, a product from IBM, which had been licensed for the exclusive use of the European Commission. We are therefore not at liberty to provide this content to you, as disclosure would undermine the protection of the commercial interests of a legal person, more particularly its intellectual property rights. Therefore the exception laid down in Article 4(2), first indent of Regulation (EC) No 1049/2001 applies to this content.

We have considered whether partial access could be granted, but we have come to the conclusion that the above-mentioned exception applies to the entire content of the internal website.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001, including the one mentioned above, apply unless there is an overriding public interest in disclosure. Therefore we have also examined whether there could be such an overriding public interest in disclosure. However, we have not been able to identify one which would outweigh the harm which disclosure would cause to the interest protected by the exception invoked.

### 3. MEANS OF REDRESS

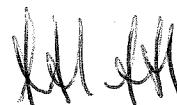
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Brussels (Belgium)

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

Yours sincerely,



Gertrud INGESTAD

Enclosure: *PM<sup>2</sup> Project Management Methodology Guide*. Current Edition:  
Version 2.5, September 20 (**without personal data**)



