



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

The Director-General

Brussels,
CONNECT/R4

Luisa Izuzquiza
Corporate Europe Observatory
(CEO)
Rue d'Édimbourg 26
1050 Bruxelles
Belgique

Advance copy via email:
ask+request-7943-
a58cf083@asktheeu.org

REGISTERED MAIL WITH ACKNOWLEDGEMENT OF RECEIPT

Subject: Your application for access to documents – GestDem 2020/2627

Dear Ms Izuzquiza,

We refer to your application for access to documents submitted via email on 08/05/2020 under Article 2(1) of Regulation 1049/2001 on public access to documents (hereinafter, 'Regulation 1049/2001') and registered on the same day under the above-mentioned reference number.

1. SCOPE OF YOUR APPLICATION

In your application, you request access to the following documents:

“1. For the development and drafting of the EU Code of Practice on Disinformation that was agreed upon in October 2018:

a) All correspondence – including, but not limited to, letters, e-mails, and any attachments – exchanged between European Commission representatives and any other actor (including, but not limited to, signatories of the Code of Practice and representatives of those signatories);

b) All records of meetings held on this issue. This may include, but not necessarily limited to, minutes of the meeting(s), verbatim reports of the meeting(s), transcripts etc, that would provide a record of the proceedings of the meetings(s).

c) Any lists of attendees from the aforementioned meeting(s), including the name of the company, group, or organisation of any kind each attendee represents;

d) Any invitations sent to actors or stakeholders for their involvement in the drafting of the Code of Practice.

e) Any drafts of the Code of Practice and any feedback associated with those drafts.

2. For the development of the monthly intermediate targeted monitoring reports of the EU Code of Practice on Disinformation released in January, February, March, April and May 2019 as well as the Analysis of the First Annual Reports released October 2019:

a) All correspondence – including, but not limited to, letters, e-mails, and any attachments – exchanged between European Commission representatives and any other actor (including, but not limited to, signatories of the Code of Practice and representatives of those signatories);

b) All records of meetings held on this issue. This may include, but not necessarily limited to, minutes of the meeting(s), verbatim reports of the meeting(s), transcripts etc, that would provide a record of the proceedings of the meetings(s).

c) Any drafts of the intermediate targeted monitoring reports on the Code of Practice and any feedback associated with those drafts.

3. For the selection process for the independent consultant engaged by the Commission to evaluate the Code of Practice on Disinformation as finalised in December 2019:

a) Submissions and/or tenders, and their annexes, from consultancies applying for this contract.

b) Any indicators used to assess the submissions.

c) All correspondence – including, but not limited to, letters, e-mails, and any attachments – regarding the deliberation or selection of the candidates.”

Given the large number of documents falling within the scope of your request (several hundreds of documents), we contacted you on 02/06/2020 with a view to find a fair solution based on Article 6(3) Regulation 1049/2001 (our reference Ares(2020)2840774).

In order to enable us to respect the time limits of Regulation 1049/2001, we asked you to reply within three working days. We also noted that, in the absence of a reply within this deadline, we would unilaterally restrict the scope of your application.

Since you did not reply to our fair solution proposal, we have unilaterally restricted the scope of your request to those parts that could be dealt with within the extended deadline of 30 working days counting from the date of registration of your application.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF YOUR REQUESTS

Having regard to the fact that you request access to three different categories of documents, we narrowed down the scope of the request and tried to ensure that the selected documents are representative, present the most important stages of the process and include the final work results since 2018.

- Topic 1: documents from 12 to 16. They relate to the work process of the Multi-Stakeholder Forum which produced the Code of Practice.
- Topic 2: documents from 1 to 11. They relate to the reporting period, when the Code of Practice's signatories regularly reported their progress regarding their commitments.
- Topic 3: documents from 17 to 20. They relate to the administrative process of how the study on the Code of Practice was commissioned.

The following documents (our ref. Ares(2020)3200552) have been identified as falling within the scope of your request:

- 1) Facebook February update on implementation of the Code of Practice on Disinformation
- 2) EC Action Plan on disinformation – Google March report
- 3) Facebook March 2019 monthly update on implementation of the Code of Practice on Disinformation
- 4) Twitter - monthly intermediate results report March
- 5) EC Action Plan on disinformation – Google April 2019 Report
- 6) Twitter - monthly intermediate results report May
- 7) Code of Practice on Disinformation First Annual Reports – Oct 2019
- 8) EDiMA self-assessment report on its commitments to the Code of Practice on disinformation
- 9) IAB Europe's Self-Assessment Report in Relation to the Code of Practice on Disinformation
- 10) MICROSOFT Self-assessment and report on compliance with the EU Code of Practice on Disinformation, October 2019
- 11) Mozilla Self-Assessment Report - Code of Practice on Disinformation – September 2019
- 12) Agenda – 1st meeting of the Multi-stakeholder Forum on Disinformation 29.05.2018
- 13) Agenda – 2nd meeting of the Multi-stakeholder Forum on Disinformation
- 14) Agenda – 3rd meeting of the Multi-stakeholder Forum on Disinformation 17.07.2018
- 15) Agenda – 4th meeting of the Multi-stakeholder Forum on Disinformation 17.09.2018
- 16) Email Re: Next Steps and milestones re: Cop on disinformation
- 17) EC email - invitation request for service
- 18) Request for Services SMART 2019-0041
- 19) Terms of reference – Assessment of the implementation of the Code of Practice on disinformation SMART 2019/0041
- 20) Model Specific Contract SMART 2019-0041

3. ASSESSMENT UNDER REGULATION 1049/2001

Having examined the document requested under the provisions of Regulation 1049/2001, we have arrived at the conclusion that **documents 1-15 and 17-20 can be fully released. Document 16 can be partially disclosed**, with only personal data redacted.

The document contains **personal data**, in particular names and email addresses of EC staff members not occupying senior management posts and third party's natural persons. Disclosure of these personal data is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation 1049/2001.

Article 9(1)(b) of the Data Protection Regulation¹ does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any argument to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation 1049/2001, access cannot be granted to the personal data contained in this document, 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 therefore disclose a version of this document with the aforementioned parts blanked out.

Please note that some of the identified documents, namely belonging to topic 2, are already public available in this Commission website concerning "News about Disinformation": https://ec.europa.eu/digital-single-market/en/news?nr_type=3815&nr_topic=76079&nr_start_date&nr_end_date

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and 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. The documents originating from third parties are disclosed to you based on Regulation 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

¹ 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/EC, OJ L 295, 21.11.2018, p. 39.

4. CONFIRMATORY APPLICATION

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation 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
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 sincerely,

(e-Signed)
Roberto Viola

Enclosures: 20