



**EUROPEAN COMMISSION**

Secretariat-General

Directorate C - Transparency, Efficiency & Resources  
**The Director**

Brussels  
SG.C.1/CS

***By registered mail with AR***

Mr Peter Teffer  
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**Subject: Your application for access to documents – GESTDEM 2020/3405**

Dear Mr Teffer,

I refer to your e-mail of 4 June 2020 in which you make a request for access to documents, registered on 5 June 2020 under the above-mentioned reference number.

**1. SCOPE OF YOUR REQUEST**

You request access to, I quote:

‘- All draft versions of the Commission Decision of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (2014/839/EU, Euratom).

- All draft versions of 2014/838/EU, Euratom: Commission Decision of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals.

- All e-mails sent to Commissioners and Directors-General on the two Commission Decisions mentioned above.

- All reports and evaluations of the two Decisions mentioned above.

- All minutes and notes of discussions and meetings on the implementation of the two Decisions mentioned above’.

The European Commission has identified the following documents as falling within the scope of your request GESTDEM 2020/3405:

- Note to Heads of Cabinet, Directors-General and Heads of Service from the Secretary-General and the Head of Cabinet of the President of the Commission of 28 November 2014, reference Ares(2014)3987972 (hereafter ‘document 1’);
- Note to Heads of Cabinet, Directors-General and Heads of Service from the Secretary-General and the Head of Cabinet of the President of the Commission of 27 January 2015, reference Ares(2015)320065 (hereafter ‘document 2’);
- Note to the Head of Cabinet of the President of the Commission from the Secretary-General of the Commission on the state of play on the implementation of the transparency rules of 14 April 2015, reference Ares(2015)1582655 (hereafter ‘document 3’ and ‘document 3a’);
- Note to the Director-General of the Legal Service of the Commission from the Secretary-General of the Commission on the amendment of Commission Decisions C(2014) 9048 and C(2014) 9051 of 17 July 2015, reference Ares(2015)3026099 (hereafter ‘document 4’);
- Annual Reports on the operations of the Transparency Register issued by the Joint Transparency Register Secretariat of the European Parliament and of the Commission for the years 2014-2019 (hereafter ‘document 5’, ‘document 6’, ‘document 7’, ‘document 8’, ‘document 9’ and ‘document 10’, respectively per the year of reference).

## **2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001**

Following a detailed assessment of the requested documents in light of the provisions of Regulation (EC) No 1049/2001, I hereby inform you that full access is granted to document 3a, and wide partial access is granted to documents 1, 2, 3 and 4, a complete disclosure of which is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names and initials of Commission staff members not pertaining to the senior management;
- handwritten signatures and other personal information (contact details, office number) of Commission staff members.

Article 9(1)(b) of the Data Protection Regulation<sup>1</sup> does not allow the transmission of these personal data, except if you establish that it is necessary to have the data transmitted to you

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<sup>1</sup> 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 2018, 21.11.2018, p.39.

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 put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to these personal data contained in the requested documents, 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.

Please further note that documents 5-10 are publicly available on the Transparency Register website of the Commission at the following link:

[https://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=ANNUAL\\_REPORT](https://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=ANNUAL_REPORT)

### **2.1. Assessment of the remaining parts of your request**

As regards the part of your request relating to ‘all draft versions’ of Commission Decisions 2014/838/EU, Euratom<sup>2</sup>, and 2014/839/EU, Euratom<sup>3</sup>, we regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, 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 this part of your request.

### **3. OVERRIDING PUBLIC INTEREST IN DISCLOSURE**

Please note that Article 4(1)(b) of Regulation (EC) No 1049/2001 does not include the possibility for the exception defined therein to be set aside by an overriding public interest.

### **4. PARTIAL ACCESS**

As indicated above, full access is granted to document 3a, and to documents 5-10 being publicly available documents, and wide partial access is granted to documents 1, 2, 3 and 4, subject only to the redaction of personal data in accordance with Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation (EC) No 1049/2001.

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<sup>2</sup> Commission Decision 2014/838/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals, OJ L 2014, 28.11.2014, p.19.

<sup>3</sup> Commission Decision 2014/839/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals, OJ L 2014, 28.11.2014, p.22.

## 5. 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  
Unit C.1. 'Transparency, Document Management and Access to Documents'  
BERL 7/076  
B-1049 Brussels,  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Tatjana VERRIER

Enclosures: (5)