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BUDGET

Strategic Coordination and Communication

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Subject: Your application for access to documents – GESTDEM 2020/4027

Dear Ms Cann,

We refer to your e-mail of 2 July 2020 in which you make a request for access to documents, registered on 3 July 2020 under the above-mentioned reference number.

You request access to a list of all lobby meetings (including phone calls, conference calls etc.) since 1 January 2019 where the EU's Digital Services Tax proposal, or the OECD's negotiations on a similar tax, were discussed. You also request access to any emails or other correspondence related to proposals for a Digital Services Tax received or sent since 1 January 2019.

Your application concerns the following documents:

- Cover e-mail from the Centre for European Policy Studies (CEPS) to Commissioner Oettinger, 21 March 2019 (Ares(2019)1946367)
- Letter to Commissioner Oettinger to thank him for speaking at the CEPS Ideas Lab, 21 March 2019 (Ares(2019)1946367)
- "What Comes After the Last Chance Commission? Policy Priorities for 2019-2024", 14 February 2019 (Ares(2019)1946367)

With regard to the first two documents listed above, a complete disclosure of the identified documents 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 contact information of Commission staff members not pertaining to the senior management;
- the names and contact details of other natural persons;

- handwritten signatures of natural persons;

Article 9(1)(b) of the Data Protection Regulation 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 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 the 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 note that documents originating from third parties are disclosed to you based on Regulation (EC) No 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.

In case you would disagree with this position, 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 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

[e-signed]
Anna JAROSZ- FRIIS
Head of Unit