EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
Pesticides and biocides

Brussels,
SANTE/E4/JT/df (2020) 5895518

Mr Vincent Harmsen
Drapeniersdonk 149
7326 AH Apeldoorn
The Netherlands

By email only:
ask+request-8546-
b125d5ae@asktheeu.org

Dear M Harmsen,

Subject: Your application for access to documents – Ref GestDem No 2020/5387

We refer to your email dated 11 September 2020 in which you make a request for access to documents on the basis of Regulation (EC) No 1049/2001[1], registered on 14 September 2020 under the above-mentioned reference number.

1. Scope of your request

You request, on the basis of Regulation (EC) 1049/2001, all correspondence (including letters, emails and text messages), agendas, minutes of meetings, minutes of phone calls, reports and any kind of other policy documents, where the German laboratory LPT (Laboratory of Pharmacology and Toxicology) was discussed/mentioned/referred to, especially, but not exclusively, in relation to possible fraud/forgery of test data and/or mistreatment of test animals.

You also specify that the timeframe of this request runs from 1 December 2018 to 1 September 2020.

2. Assessment of the documents

We have identified 5 documents as falling under the scope of your request.

Having examined the documents, we have come to the conclusion that:

- partial access can be granted to document No 2 due to the protection of personal data;
- full access can be granted to documents No 3, 4 and 5, which are already publicly available, online under the following link https://www.europarl.europa.eu/doceo/document/E-9-2020-001258_EN.html and to document No 1.

[1] Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

The documents that can be fully or partially released and the list of documents containing the result of the assessment carried out on its content on the basis of Regulation (EC) No 1049/2001 are published on the following Commission webpage:

https://webgate.ec.europa.eu/dyna/extdoc

You can view the requested document by entering the GestDem reference of the request ("2020/5387") in the search box at the top of the page.

Alternatively, you can click on "view documents per request" and search on the left column for the GestDem reference of your request ("2020/5387").

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.

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.

3. Reasons for partial refusal

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

With regard to document No 2 identified in the above-mentioned list of documents, a complete disclosure 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/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons, in particular representatives of ECHA;
- handwritten signatures of natural persons, in particular representatives of ECHA;
- other information relating to an identified or identifiable natural person such as roles and function titles.

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, we 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.

In accordance with the above, partial access is granted to the above-mentioned document, which is disclosed after redaction of all personal information.

3. 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 Secretary-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 Bruxelles,
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Klaus Berend
Head of Unit