



EUROPEAN COMMISSION
OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS
The Acting Director

Brussels, 21 October 2020

Ms Veronica QUAIX
Van Den Wildenberglaan 1
2100 Antwerpen
BELGIUM

Email: ask+request-8576-4c878c44@asktheeu.org

Subject: Your application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2020/5803

Dear Ms Quaix,

We refer to your email dated 23 September 2020 initially addressed to DG BUDG, by which you made a request for access to documents. This request was reattributed to the Office for Administration and payment of individual entitlements (PMO) and registered on 30 September 2020 under the above-mentioned reference number.

Your request concerns *“documents which contain the information about family links between Mr Giovanni Kessler and Mrs Charlotte Arwidi”*.

We regret to inform you that PMO, which manages the payment of salary and expenses for Commission staff members and establishes family ties that give rise to the payment of financial rights, 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 your request.

I would like however to point out that even assuming that the requested information would be materialized in a document, *quod non*, family links represent personal data which are

covered by Regulation (EU) No 2018/1725 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 (hereafter ‘Regulation 2018/1725’).¹ As such, the disclosure of the mere fact that family links existed, would entail a transmission of personal data falling under the provisions of Regulation (EU) 2018/1725, which is prohibited, unless the recipient establishes that the transmission of the data is necessary in view of a higher public interest (Article 9 of Regulation 2018/1725). In your request, you did not establish the necessity of having the data transferred.

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
Secretary-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]
Giuseppe Scognamiglio

¹ Official Journal L 295, 21.11.2018, p. 39.