



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels  
SANTE.DDG1.B.3/MD

**By registered letter with  
acknowledgment of receipt<sup>1</sup>**

Sam Clark  
35 Farringdon St, Holborn,  
London EC4A 4HT  
United Kingdom

**By email : [ask+request-8785-  
7cd8573d@asktheeu.org](mailto:ask+request-8785-7cd8573d@asktheeu.org)**

**Subject: Your application for access to documents – GESTDEM 2020/6997**

Dear Mr Clark,

We refer to your e-mail of 17 November 2020, registered on the same date under the above-mentioned reference number.

**1. Scope of your request**

On the basis of Regulation (EC) No 1049/2001<sup>2</sup>, you made the following request:

*'Details of grants provided by the European Commission for the facilitation of GDPR Codes of Conduct, referred to in this parliamentary answer:  
[https://www.europarl.europa.eu/doceo/document/P-9-2020-004834-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-9-2020-004834-ASW_EN.html)  
- The cost of any such grants and which parties will receive the funds.'*

**2. No documents held**

We regret to inform you that the Directorate-General for Health and Food safety does not hold any documents that would correspond to the description given in your application.

You may receive a separate response from other Commission departments in case they are able to identify any documents falling within the scope of your request.

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<sup>1</sup> According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm, by email, receipt of the present e-mail

<sup>2</sup> Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

The Commission announced on 19 February in the European Strategy on Data that it would “facilitate the establishment, in accordance with Article 40 of the GDPR, of a Code of Conduct for processing of personal data in health sector. These actions will build upon an ongoing mapping of the use of personal health data in Member States and the results of the Joint Action in the context of the Health programme (2020-2023).”<sup>3</sup> In its Communication on two years of application of the General Data Protection Regulation, the Commission reiterated its support to “encourage, including through financial support, the drafting of EU codes of conduct in the area of health and research”.<sup>4</sup> As explained in the reply to the Parliamentary Question referred to in the request, the Commission will support financially the development of Codes of Conduct in the area of health through grants, with actions to be started as of 2021. No such actions have started yet in the area of health.

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 Directorate-General for Health and Food safety, we are not in a position to fulfil your request.

### **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 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 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Sandra GALLINA

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<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1593073685620&uri=CELEX%3A52020DC0066>

<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0264>