



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Public health
Health security

Luxembourg
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By email only:
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Subject: Your application for access to documents – GESTDEM 2021/0055

Dear Mr Spekschoor,

We refer to your e-mail dated 5 January 2021 in which you make a request for access to documents, registered on 5 January 2021 under the above-mentioned reference number.

We also refer to our letter of 26 January 2021 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

1. Scope of your request

In your request, you ask, on the basis of Regulation (EC) No 1049/2001¹, access to “all communication from the European Commission to the Netherlands about COVID-19 vaccination strategies from October 2020 until now”.

We consider your request to cover documents held up to the date of your application, i.e. 5 January 2021.

2. Identification and assessment of the relevant documents

We identified three document falling under the scope of your request:

- letter from Commissioner Stella Kyriakides to EU Health Ministers, of 4 November 2020, reference Ares(2020)6337032 (hereafter document 1)
- letter from Commissioner Stella Kyriakides to EU Health Ministers, of 14 December 2020, reference Ares(2020)7598694 (hereafter document 2)
- e-mail from the Health Security Committee Secretariat to the Members of the Health Security Committee, of 16 November 2020, reference Ares(2021)507689 (hereafter document 3).

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

Having examined the above-mentioned document, we have come to the conclusion that full access can be granted to document 3, whereas partial access can be given to document 1 and 2.

3. Reasons for partial disclosure

Article 4(1)(b) of Regulation (EC) No 1049/2001 – Protection of privacy and the integrity of the individual

A complete disclosure of document 1 and 2 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;
- handwritten signatures/abbreviated 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, 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 document 1 and 2, 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.

4. Means of redress

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,

Ingrid KELLER
Acting Head of Unit

Enclosure: list of documents.xls; ARES 6337032_2020 (004)_Redacted.pdf;
ARES 7598694_2020 (003)_Redacted; Survey - Vaccines Strategy
Deployment.msg