



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 14.03.2014
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Mr Aris Kolimatsis

By email only:
ask+request-916-6b848fe5@asktheeu.org

Subject: Confirmatory application for access to documents under Regulation 1049/2001 - Gestdem 2013/5224

Dear Mr Kolimatsis,

I refer to your electronic mail of 24 January 2014, registered on 29 January 2014, in which you submit a confirmatory application for access to documents on the basis of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (Regulation 1049/2001).

In your initial application of 22 October 2013, registered on the same day, you had requested access to documents related to the Electronic Exchange of Social Security Information (EESSI):

- 1. The DG EMPL drafted documents concerning EESSI that were submitted to the Data Protection Officer (hereafter the DPO) via the on line notification system; of article 11 of Decision 597/2008, including all annexes and appendices thereto. The documents directly relate to the EESSI prior notification of article 25 of Regulation No 45/2001.*
- 2. Inasmuch they are distinct from the documents under (1) above, the DG EMPL drafted documents concerning EESSI that were submitted to the DPO as the EESSI prior notification and entered in the register of processing operations of article 4 of Decision 597/2008, including all annexes and appendices thereto.*
- 3. Notwithstanding requests #1 and #2 above, the detailed questionnaire the EESSI data controller filled in and dispatched to the DPO, including all annexes and appendices thereto.*

¹ Official Journal L 145 of 31.5.2001, p.43.

4. *The documents drawn up by the DG EMPL Data Protection Coordinator about EESSI.*
5. *The documents the EESSI data controller addressed to the DPO about EESSI - if any, and not falling under the requests #1 - #4 above. Such a document might concern the EDPS prior check about EESSI.*
6. *Correspondence between the EESSI data controller and the DG EMPL Data Protection Coordinator.*
7. *Any documents DG EMPL addressed to the Administrative and Technical Commissions overseeing EESSI, as well as any Working Groups under the authority of those two Commissions, about the fundamental right of personal data protection and the EESSI processing operations.*

In its reply of 6 January 2014, the Directorate General for Employment, Social Affairs and Inclusion (DG EMPL):

- a. Identified two Notes (AC 419/11 and AC 632/11) under point 7 and provided partial access (excluding Annex for Note AC 632/11) on the grounds of Article 4(1)(b) of Regulation (EC) No 1049/2001 (personal data).
- b. Identified, for points 1 to 5, a publicly available document and a questionnaire by the DPC to the DPO, to which full access was granted.
- c. Declared that your application was devoid of purpose for point 6.

In your confirmatory application:

- You claim that DG EMPL has overlooked earlier *versions* of the prior notification DPO-3326.1
- You challenge the questionnaire that you have been granted access to, by saying that DG EMPL *has not released a 37 headings questionnaire of DPO-3326.1*

Against this background, we have asked DG EMPL and the Data Protection Officer (DPO) to inspect their files again in order to verify that no other documents indeed exist. While DG EMPL has confirmed that no other documents were found under the scope of your request, the DPO has identified the following:

1. Note to Mr Peter Hustinx, European Data Protection Supervisor, dated 5 January 2011, on Prior-checking under Article 27.2 a) of Regulation (EC) 45/2001 of the processing operations on personal data concerning EESSI.
2. Notification for Prior-checking dated 5 January 2011, addressed to the European Data Protection Supervisor.

I am pleased to inform you that access can be granted to both documents. Please find copies enclosed.

Hoping to have herewith fulfilled your request, I remain,

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Day".

Catherine Day

Enclosures (2)