



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND  
CAPITAL MARKETS UNION

The Director-General

Brussels  
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Diogo Augusto  
By e-mail: [ask+request-9222-  
b31fa16d@asktheeu.org](mailto:ask+request-9222-b31fa16d@asktheeu.org)

Dear Sir,

**Subject: Your application for access to documents – GESTDEM 2021/1808**

We refer to your request for access to documents submitted via AsktheEU platform, registered on 23 March 2021 under the abovementioned reference number.

You request access to “*all documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, briefings, e-mails, and presentations - related to all meetings between member of the Commission and representatives of BusinessEurope from July 2020 to the present*”.

Your application concerns the following documents:

- briefing BASIS McGUINNESS/152, drawn for the meeting between Commissioner Mairead McGuinness and BusinessEurope of 17/02/2021, registered under reference Ares(2021)1615686;
- related e-mail exchange and background documents for the setting up of the abovementioned meeting, registered under references Ares(2021)245538 (two documents) and Ares(2021)2792690.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that document Ares(2021)1615686 may be partially disclosed. Some parts of the document Ares(2021)1615686 have been blanked out, as their disclosure is prevented by the exception to the right of access laid down in Article 4(3)(1) – protection of the decision-making process.

The redacted parts of the document Ares(2021)1615686 refer to a matter where the decision has not been taken, so the disclosure of the document is refused as it would seriously undermine the decision-making process.

With regard to the documents Ares(2021)1615686 and ARES(2021)2792690 listed above, a complete disclosure of the identified documents 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 or other information relating to an identified or identifiable natural person (including e-mail address and telephone number).

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, I 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.

Please note that the abovementioned briefing document is a working document, which does not reflect the position of the Commission and cannot be quoted as such. Please also note that the background 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.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

John BERRIGAN  
(e-signed)

Enclosures: Briefing Ares(2021)1615686 (redacted), related documents ARES(2021)245538 and ARES(2021)2792690 (redacted)