



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL COMMUNICATION

The Director-General

Brussels,  
COMM.D2/MFC

***By registered letter with  
acknowledgment of receipt***

Mr Alberto Alemanno  
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***Advance copy by E-mail:***

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**Subject: Your application for access to documents – Ref GestDem No 2021/3247**

Dear Mr Alemanno,

We refer to your e-mail of 16 May 2021 in which you make a request for access to documents, registered on 18 May 2021 under the above-mentioned reference number.

You request access to:

*“documents, preparatory documents, minutes prepared or in possession of the EU Commission as well as exchanges – such as emails and video conferences – undertaken with third parties which contain the following information:*

- *methodologies and/or criteria defining the composition of the European Citizens' Panels as foreseen in the Joint Declaration on the Conference on the Future of Europe.”*

We have identified the following documents as falling under the scope of your request:

1. Specific contract N°COMM/C3/2020 implementing framework contract N° PO/2017-11/A2 (Ref. Ares(2020)7894573)
2. Conference of the Future of Europe Design of Citizens'Panels-Work Package 2 Deliverable – *Process Design*

Having examined the documents requested under the provisions of Regulation (EC) N° 1049/2001 regarding public access to documents; we have come to the conclusion that you can have full access to one of them and that the other may be partially disclosed.

As the second document listed above originated from a third party, the third party has been consulted in accordance with article 4 (4) of Regulation (EC) N° 1049/2001. The third party agreed to share the deliverable adding the following comment: *“Please note that this document reflects the advancement of the design of the panels as per May the 7th 2021. Since then the full logic and design of the Conference has massively evolved and so has the design, which is being updated on a daily basis based on decisions jointly taken by the governance of the Conference.”*

With regard to the first document listed above, a complete disclosure of this document 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) N° 1049/2001, because it contains personal data, in particular, names and contact information of Commission staff members not pertaining to the senior management; names and contact details of other natural persons and handwritten signatures of natural persons.

Article 9(1)(b) of the Data Protection Regulation<sup>1</sup> 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) N° 1049/2001, access cannot be granted to the personal data, 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 the disclosure of the personal data concerned.

Therefore, personal data have been withheld, except the name of individuals forming part of senior management staff of the Commission, in conformity with the usual EU practice.

Moreover, the first document listed above contains commercially sensitive business information of the contractor, which should not be disclosed, as provided for in Article 4(2), first indent, of Regulation (EC) N° 1049/2001.

The document contains details of price structures. This information cannot be made public, as its disclosure could give its competitors a competitive advantage in future calls for tenders.

The exception laid down in Article 4(2), first indent, of Regulation (EC) N° 1049/2001 applies unless there is an overriding public interest in disclosure of the documents. In your application you do not refer to such a public interest. I have however examined whether there could be an overriding public interest in disclosure, but I have not been able to identify one.

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<sup>1</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) N° 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,

Pia Ahrenkilde Hansen

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