



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Director-General

Brussels,  
just.01.002(2022)4933306

Mr Oleksandr VOYTYUK

By e-mail:  
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**Subject: Your application for access to documents – Ref GestDem No 2022/2718**

Dear Mr VOYTYUK,

We refer to your application of 08/05/2022 in which you make a request for access to documents, registered on 12/05/2022 under the above mentioned reference numbers.

You request access to:

*“Minutes of meetings between Commission officials and representatives of Twitter during the calendar years of 2021 and 2022*

*Transcripts of telephone calls and/or teleconference communications between Commission officials and representatives of Twitter during the calendar years of 2021 and 2022*

*Correspondence between Commission officials and agencies and Twitter during the calendar years of 2021 and 2022”.*

I consider your request to cover documents held up to the date of your initial application, i.e. 08/05/2022.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General<sup>1</sup>. This reply relates only to the documents held by Directorate-General for Justice and Consumers. You will receive the replies from the other respective Directorates-General in due course.

Your application concerns the following documents:

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<sup>1</sup> DG CNECT (GESTDEM 2022/2628), DG GROW (GESTDEM 2022/2715), DG HOME (GESTDEM 2022/2716), SG.D.1 (GESTDEM 2022/2717).

Doc. No	DOCUMENT TITLE	DATE	ARES REF.	Redacted, and article in Reg 1049/2001
1.	Flash report: COP signatories and private sector actors 26 March 10:00-12:00	26/03/2021	Ares(2021)2145219	Yes, Art 4(1)(b) + out of scope
2.	DECIDE PLANNING - Consultation summary launched PLAN/2020/8647 - JUST - Transparency of political advertising	17/01/2022	Ares(2022)340023	Full access
3.	Meeting with Twitter	12/04/2022	Ares(2022)2961759	Yes, Art 4(1)(b) and Art 4(3)
4.	Twitter: records of the 6th monitoring	12/04/2022	Ares(2022)2961812	Yes, Art 4(1)(b) (attachment not shared according to Art 4(1)(b) and Art 4(2))
5.	Re: Twitter revised data on monitoring and own information	12/04/2022	Ares(2022)2961812	Yes, Art 4(1)(b) (attachment not shared according to Art 4(1)(b) and Art 4(2))

### **Full access**

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we can inform you **that access can be given** fully to the **document 2**.

### **Exemptions**

Having examined the **documents 1, 3-5** requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we regret to inform you that your application cannot be granted fully, as disclosure is prevented **by exceptions** to the right of access laid down in **Article 4 of this Regulation**.

With regard to **documents 1, 3-5**, a complete disclosure of the identified 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) No 1049/2001, because it contains 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.

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 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 document, 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.

With regard to the attachments of the **documents 4-5** they contain commercially sensitive information. These documents contain information related to financial data, unit prices, bank account details, methodology, know-how, breakdown of budgets and timetables, and a detailed description of the proposed actions. Putting such information in the public domain would affect the competitive position of the company on the market. Moreover, the General Court held that “*the transparent conduct of public tenders procedures, which aims to make possible the monitoring of compliance with the relevant rules and principles does not require the publication of documents or information relating to the know-how, methodology or business relationships of the tenderers*”<sup>2</sup>. Against this background, access to these documents can only be granted partially as it would seriously undermine the commercial interests protected by Article 4(2), first indent of Regulation 1049/2001. The exceptions laid down in Article 4(2) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be an overriding public interest in disclosure, but we were not able to identify such an interest.

With regard to the **document 3** listed above it represents work in progress and is a part of preliminary consultations. Under Article 4(3) of the Regulation 1049/2001 “*Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.*”

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

### **Out of scope**

With regard to **document 1** it also contains information that does not fall under the scope of your request and therefore this information is redacted and marked as ‘out of scope’.

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

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<sup>2</sup> Judgment of 22 May 2012, *Sviluppo Globale v Commission*, T-6/10, EU:T:2012:245, paragraph 88

Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

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

We would appreciate if you could confirm receipt of the present e-mail by replying to [JUST-ACCES-DOCUMENTS@ec.europa.eu](mailto:JUST-ACCES-DOCUMENTS@ec.europa.eu).

Yours faithfully,

*(e-signed)*  
Ana GALLEGO