



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

The Director-General

Brussels
CNECT.R.4

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By email:
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Subject: Your application for access to documents – GestDem 2022/2628

Dear Mr Voytyuk,

We refer to your email dated 8 May 2022 wherein you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter ‘Regulation 1049/2001’), registered on 10 May 2022 under the abovementioned reference number. Reference is also made to our holding reply, dated 7 June 2022 (our reference Ares(2022)4213178), whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

By your application, you request access to the following documents:

‘[...] Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

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 [...].’

Due to the scope of your request covering also areas falling under the responsibility of other Directorates-General and services, your request was split between:

- a) DG CONNECT, under reference number GestDem 2022/2628,
- b) DG GROW, under reference number GestDem 2022/2715,
- c) DG HOME, under reference number GestDem 2022/2716,
- d) SG, under reference number GestDem 2022/2717 and
- e) DG JUST, under reference number 2022/2718.

This reply relates only to documents related to meetings within the remit of DG CONNECT until the date of the registration of your request. You will receive separate replies related to the other reference numbers from the other respective Directorates-General and Services.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

We have identified the following documents as falling within the scope of your request as it has been restricted according to Section 1:

- Minutes from the meeting on 21 October 2021 of ‘Alliance to better protect minors online’, where Twitter participated (Ares(2022)4241366) – **Document 1**
- Minutes from the meeting on 29 June 2021 of Alliance to better protect minors online’, where Twitter participated (Ares(2022)4241267)– **Document 2**
- Back to Office from the meeting on 21 April 2021 with Twitter (Ares(2022)3878158) – **Document 3**
- Back to Office (BTO) from the meeting on 9 February 2022, where Twitter participated (Ares(2022)984940)– **Document 4**
- Back to Office (BTO) from the meeting on 20 September 2021 with the Open Internet Signatories, where Twitter participated (Ares(2021)7266514) – **Document 5**
- Back to Office (BTO) from telephone call with Twitter on 21 March 2022 (Ares(2022)3878322)– **Document 6**

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001, we have arrived at the conclusion that full access can be granted to one document. Partial access can be granted to four documents, whilst access is denied for one document, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001.

Please also note that parts of Documents 4 and 5 were redacted since these parts relate to other companies and therefore do not fall within the scope of your request.

A. Full disclosure

Document 1 is fully disclosed.

B. Partial disclosure

- (i) *Protection of privacy and integrity of individuals*

Full disclosure of Documents 2-5 is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since they contain the following personal data:

- Names, functions and contact details of Commission staff members not pertaining to the senior management;
- Names, functions and contact details of other natural persons;

Article 9(1)(b) of the Data Protection Regulation¹ 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 have concluded that, pursuant to Article 4(1)(b) Regulation 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.

(ii) Protection of commercial interests

Article 4(2) first indent of Regulation 1049/2001 provides that the institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure.

This provision must be interpreted in light of Article 339 of the Treaty of the Functioning of the European Union (TFEU), which requires staff members of the EU institutions to refrain from disclosing information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

Part of Document 5 is covered by the abovementioned exception, as it contains sensitive business information relating to the concerned third party's activities. Disclosure of this part of the document would seriously affect the third party's relations and position in the market and would undermine its commercial interests. Therefore, we have blanked out the relevant part of this document, as its disclosure is prevented by the exception to the right of access laid down in Article 4(2) first indent of Regulation 1049/2001.

C. Non -disclosure

We regret to inform you that access to Document 6 cannot be granted as its disclosure is prevented by the exceptions laid down in Article 4 of Regulation 1049/2001.

¹Regulation (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.

Parts of Document 6 are covered by the exception of Article 4(2) first indent of Regulation 1049/2001. In particular, the parts contain sensitive business information relating to the views and positions of the third party. There is a real and non-hypothetical risk that disclosure of these parts of Document 6 could undermine and seriously affect the commercial interest of the third party.

Moreover, disclosure of parts of Document 6 is prevented by the exception concerning the protection of privacy and integrity of the individual provided in Article 4(1)(b) Regulation 1049/2001 for the reasons set out in Section B (i) above, as they contain personal data in particular names and functions of natural persons.

The different parts taken together lead to a refusal of access for the document in full as remaining parts are meaningless.

4. PARTIAL ACCESS

We have considered whether partial access could be granted to Document 6. However, partial access is not possible considering that Document 6 is covered in its entirety by the abovementioned exceptions of Article 4 of Regulation 1049/2001.

5. OVERRIDING PUBLIC INTEREST IN DISCLOSURE

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply, unless there is an overriding public interest in the disclosure of documents. Such an interest must, firstly, be a public interest and, secondly, outweigh the harm caused by disclosure. We have examined whether there could be an overriding public interest in the disclosure of the parts of the documents which are being withheld but we have not been able to identify such an interest.

6. REUSE OF DOCUMENTS

You may reuse public documents which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of the Commission documents](#). You may reuse the disclosed Documents 1-5 free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Documents 1-5 were drawn up for internal use under the responsibility of the relevant Commission services. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer. They do not reflect the position of the Commission and cannot be quoted as such.

7. CONFIRMATORY APPLICATION

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
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

Yours sincerely,

Electronically signed

Roberto Viola

Enclosures: (5)