



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D - Twin Transition, Economic & Social Affairs

Brussels
SG.D.1/AW

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Dear Madam,

Subject: Your application for access to documents – GESTDEM 2022/4580

We refer to your email of 11.08.2022 in which you make a request for access to documents, registered under the above-mentioned reference number on 12.8.2022.

You request access to:

“All documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 2022-05-18 between Věra Jourová and Microsoft Corporation”.

Your application concerns the following documents:

1. Ares(2022)6571906 Briefing - Microsoft - May 18 2022_Redacted;
2. Ares(2022)6036490 Note of Meeting VP Jourova_with Microsoft 22 18 05_Redacted;
3. Ares(2022)4473353 Letter Microsoft to VP Jourova 14 06 2022_Redacted;
4. Ares(2022)4562482 Letter VP Jourova to Microsoft 20 06 2022_Redacted

A complete disclosure of these 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 natural persons; and
- handwritten signatures/abbreviated signatures of natural persons.

Article 9(1)(b) of the Data Protection Regulation (Regulation 2018/1725) 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 neither express any particular interest to have access to these personal data, nor put forward 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.

Furthermore, some sections of document No. 1 above have been redacted as they contain information affecting the commercial interests of a natural or legal person, including future planning. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to those redactions.

Some elements of document No. 1, relating to the ongoing negotiations on the new Privacy Shield and in the Trade and Technology Council, have also been redacted in accordance with the exception in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001, because their disclosure would undermine the protection of the public interest as regards international relations.

Some of the redactions relate to the activities of journalists. Since the disclosure of these parts could undermine their security, these redactions are based on Article 4(1)(a) (first indent) of Regulation (EC) No 1049/2001.

In addition, it should be noted that document No. 1 is an internal, informal document prepared by the relevant Commission services for the purposes of the meeting only, does not necessarily reflect the formal position of the Commission and cannot be quoted as such.

Please also note that notes of meetings are drawn up for internal use under the responsibility of the relevant services of the European Commission. They solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties to which the document refers. They do not reflect the position of the Commission and cannot be quoted as such.

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

Yours faithfully,

Elisa Roller
Director
Click or tap here to enter text.

Enclosure: disclosed document