



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

Resources and Support
Compliance and Planning

Brussels
CNECT.R.4

Mr Andrea Glioti
The New Arab
Unit 5, Central Park, Central Way
NW10 7FY, London
United Kingdom

Via email:

[ask+request-11776-
6b2a0b8d@asktheeu.org](mailto:ask+request-11776-6b2a0b8d@asktheeu.org)

Subject: Your access to documents request – GestDem 2022/4833

Dear Mr Glioti,

We refer to your email of 26 August 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’), which was registered on the same day under the abovementioned reference number.

1. SCOPE OF YOUR APPLICATION

Your request reads as follows:

“Dear Communications Networks, Content and Technology,

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:

All correspondence (including emails and WhatsApp messages) between the European Commission’s Directorate-General for Communications Networks, Content and Technology and the International Centre for Migration Policy Development (ICMPD) since 02/03/2016

All minutes and any other records of the following meetings between representatives of the ICMPD and the listed Commissioners, Members of their Cabinet or Director-Generals, as documented in the EU Transparency Register:

Günther Oettinger – 15/03/2016 (..)''.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

The following documents have been identified as falling within the scope of your request:

- Email correspondence, January/February 2016, Follow-up: Treffen Spindelegger – Kom. Oettinger, ARES(2016)585126, **(Document 1)**
- Email, 13 January 2016, Kontakt, ARES(2016)232327, **(Document 2)**

Please note that the International Centre for Migration Policy Development (ICMPD), as indicated in the transparency register, deals with multilateral cooperation on migration and asylum issues. Migration and asylum do not fall under the policy remit of the Directorate-General for Communications Networks, Content and Technology (DG CNECT) but are covered by the activities of the Directorate General for Migration and Home Affairs (DG HOME).

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001 and taking into account the opinion of the third party, we have arrived at the conclusion that partial access can be granted to the documents identified. Full disclosure 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 the document contains the following personal data:

- the names/initials, functions and contact information of Commission staff members not pertaining to the senior management;
- Names, functions and contact information 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, I conclude 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.

¹ 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.

4. 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 Commission documents](#). You may reuse the parts of the disclosed documents originating from the Commission 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.

Parts of Document 1 and Document 2 originate from a third party. Please note that they 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 document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from its reuse.

5. 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 faithfully,

Electronically signed

Martin Schauer
Head of Unit

Enclosure: (2)