Subject: Your application for access to documents –EASE 2023/3120

Dear Mr Fanta,

We refer to your email of 26 May 2023 wherein you make a request for access to documents pursuant to Regulation (EC) No 1049/2001 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:

“[...] 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 communications (e-mails, direct messages, etc.) with Twitter, its representatives or other stakeholders on its reported plans to withdraw from the Code of Practice on Disinformation

- all internal documents referring to the reported plans for withdrawal”.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

The following documents have been identified as falling within the scope of your request:
3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified document 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 identified documents. Full disclosure of the documents is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001. In addition, please note that parts of Documents 3-5 have been redacted as falling outside of the scope of the request.

(i) Protection of privacy and integrity of the individual

Full disclosure of the identified documents 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, handwritten signatures 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 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.

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 Documents 1, 3, 4 and 5 originating from the Commission free of charge and for non-commercial and commercial

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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.

Please note that Documents 1 and 4 were drawn up for internal use under the responsibility of the relevant staff member of DG CONNECT. They solely reflect the author's interpretation of the interventions made. They do not reflect the position of, nor do they commit the Commission, DG CONNECT and/or any third party referred to and cannot be quoted as such.

Please note also that Document 2 and parts of Documents 3 and 5, originating from a third party are disclosed to you based on Regulation 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 them. The European Commission does not assume any responsibility from their 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 by asking for a review via your portal (2) account (available only for initial requests submitted via the portal account), or via 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

Roberto Viola

(2) https://www.ec.europa.eu/transparency/documents-request