Dear Mr. Henning,

Subject: Your application for access to documents EASE 2023/3168

We refer to your request for access to European Commission documents registered on 1/6/2023 under the reference number above and we apologise for delay in replying. This resulted from the need to consult third parties who are the source of information contained in the documents identified.

In your request you asked for access to all minutes, agendas, summaries, notes or memos issued before or after; documents prepared for, issued in preparation for, or exchanged during; as well as all correspondence including attachments by either of the meeting parties related to:

- the 10.05.2023 meeting between HateAid gGmbH, European Fact-Checking Standards Network, Reset and Commissioner Jourová;
- the 12.05.2023 meeting between Bundesverband Digitalpublisher und Zeitungsverleger and Commissioner Jourová;
- the 15.05.2023 meeting between Asociación de Medios de Información and Cabinet members of Commissioner Jourová;
- the 24.05.2023 meeting between Google and Commissioner Jourová;
- the 30.05.2023 meeting between Google and Cabinet members of Commissioner Jourová

I consider your request to cover documents held up to the date of your initial application.

The following documents fall within the scope of your application:

2. Ares (2023) 6304427 – Briefing for Berlin
3. Ares (2023) 4090520 – Short meeting with Asociación de Medios de Información (AMI)
4. Ares (2023) 4370362 - Notes from a meeting with Google, on 24 May 2023
5. Ares (2023) 6300356 - Notes from a meeting with Google on 30 May 2023

Having examined the documents requested under the provisions of Regulation (EC) No. 1049/2001 regarding public access to documents, we have come to the conclusion that these documents may be partially disclosed.
Some parts of the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(b) and 4(2) of Regulation (EC) No 1049/2001.

All attached documents contain personal data. Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of the 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 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.

In addition, the document Ares (2023) 4370362 contains commercially sensitive business information of the company. 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. I have examined whether there could be an overriding public interest in disclosure, but I have not been able to identify such an interest.

Please note that the attached documents were drawn up for internal use under the responsibility of the Commission services. 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 documents refer. They do not reflect the position of the Commission and cannot be quoted as such.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001 you can 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 sincerely,

William SLEATH
Director SG.E

Enclosures: 5