

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Director-General

Brussels, **19 DEC. 2014**
DG.HR/hr.r.1(2014)2591017

Ms Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Bruxelles
By email: ask+request-1590-
ab92920c@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2014/5320

Dear Ms Cann,

We refer to your e-mail dated 10 November 2014 in which you make a request for access to documents, registered on 11 November 2014.

Your application concerns *"all documents (correspondence, including emails, notes/minutes from any meetings etc) which discuss Catherine Ray's employment at the Commission as it relates to articles 11 and 11a of the Staff Regulations. In particular you inquire "what assessments have been made of Ms Ray's personal interests" and if there are "any matters from which she has been relieved from dealing, under Article 11a 2 of the Staff Regulations". In addition, you also request "a copy of Ms Ray's job description whilst at the Commission".*

I have examined your request under the provisions of Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

We identified one document which falls under the article of the Staff Regulations you refer to in your request. This document contains personal data on Ms Ray. It is the Commission's obligation to ensure that the privacy and the integrity of the EU official concerned are correctly protected. I regret to inform you that the access cannot be granted to the requested document, as it falls under the exception in Article 4(1)(b) of Regulation 1049/2001¹. While I have also considered the possibility of granting partial access, I have concluded that this would equally undermine the protection of personal data.

I can nevertheless provide you the following general information on the process to which your request relates.

While Ms Ray changed post within the Commission in November 2014, the appropriate services in the Commission assessed the situation and in particular if there were any personal

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.05.2001, p.43.

interests which would actually or potentially impair the candidate's independence in carrying out her duties in the specific position or any circumstance which actually or potentially constitutes a conflict of interest with respect to her new position. The services involved did not identify any actual risk of conflict of interest and reminded Ms Ray of the statutory obligations in particular Article 17 and 13 of the Staff Regulations.

As regards your request for a copy of Ms Ray's job description, the documents you request contain personal data relating to the past and current occupational activities of Ms Ray. It is the obligation of the Commission to ensure that the privacy and integrity of the staff member concerned are completely protected. This is why I consider that the exception foreseen in Article 4 (1) (b) of the Regulation No 1049/2001 applies.

I can nevertheless provide you with the following information:

- From November 2002 to November 2004, Ms Ray was a deputy spokesperson for the EU Commissioner for Trade;
- From May 2008 to February 2010, Ms Ray was a spokesperson for the EU Commissioner for Science and Research;
- From February 2010 to December 2012, Ms Ray was a spokesperson for the EU Commissioner for Development;
- from January 2013 to October 2014, Ms Ray was a Member of Cabinet for the EU Commissioner for Development;
- since November 2014 Ms Ray is working as a lead spokesperson for External Affairs in the Commission.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions in implementing Directive 95/46/EC² on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

Please be informed that a copy of this letter will be sent to the person concerned.

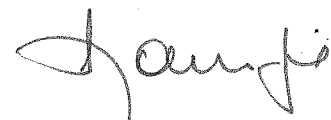
In accordance with Article 7(2) of Regulation No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully



Irene SOUKA

² Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data