



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Consumer, Environmental and Health Technologies
Biotechnology and Food Supply Chain
Head of Unit

Brussels,

09 MARS 2016

GROW/D3/TH/dr (2016) 1137896

Mr Ekaitz Cancela
Rue du Viaduc, 11
B-1050 Brussels

By registered letter with acknowledgment of receipt

Advance copy by e-mail:

ask+request-2527-4ed8087e@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2016/0303

Dear Sir,

We refer to your e-mail dated 25/01/2016 in which you make a request for access to documents, registered on 25/01/2016 under the above mentioned reference number.

You request access to

- on the topic of TTIP Health Services

- a list of meetings between DG Grow officials and representatives of G4S, Capita, Serco, Atos, Circle, Care UK, Hospital Corporation of America International, or McKinsey and the private providers of health services (including health care companies and health care industry groups, but also lobby consultancies, law firms and others working for health care industry clients or otherwise representing the health care industry) in the period between January 1st 2012 and today

- minutes and other reports of these meetings.

I consider your request to cover documents held up to the date of your initial application, i.e. 25/01/2016.

Your application concerns the documents compiled in the annexes GESTDEM 2016/0303 CANCELA document register and GESTDEM 2016/0303 – CANCELA meeting list.

The documents to which you have requested access contain personal data, in particular: names, function, telephone number or e-mail.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the

protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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-4
BERL 5/282
B-1049 Bruxelles

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

Yours sincerely,


Christian Siebert

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.