



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 13 JUN 2016

*By registered letter with
acknowledgment of receipt*

Ms Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Brussels

Advance copy by e-mail:
[ask+request-2900-
5691fd2c@asktheeu.org](mailto:ask+request-2900-5691fd2c@asktheeu.org)

Subject: Your application for access to documents – Ref/GestDem No 2015/2557

Dear Ms Cann,

I refer to your e-mail dated 4 May 2016 and registered on 10 May 2016 by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"all documents which relate to any applications made under the Staff Regulations for authorisation for post-employment activities by Sophie Bertin, including at Covington & Burling as detailed here: <https://www.cov.com/en/news-andinsights/news/2016/04/former-dg-comp-state-aidofficial-sophie-bertin-joins-forces-with-covingtons-eu-competitionpractice>. In particular, you request "a note of all Ms Bertin's job titles at the Commission including dates held; copies of any application(s) that she has made under the Staff Regulations to undertake a new professional activity; and all documents (correspondence, emails, meeting notes etc.) related to the authorisation of the new role or roles".*

By e-mail dated 23 May 2016 you answered to our request for further clarifications on what you meant by "post-employment" activities in relation to the relevant Articles of the Staff Regulations.

I have examined your request under the provisions of 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.

The documents you requested contain personal data relating to the past and present occupational activities of Ms Bertin. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in her professional

capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 applies.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) No 1049/2001, I have concluded that this would equally undermine the protection of personal data.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ 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.

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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Brussels

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

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,



Irene SOUKA

¹ 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