



EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Director General

Brussels, 07 10. 2016
DIGIT/R/3/MB 6303464 (2016)

Ms Vicky CANN
CEO
rue d'Edimbourg 16
B-1050 Brussels (Belgium)

**By registered letter with
acknowledgment of receipt**

Advance copy by email :
[ask+request-3238-
deb34453@asktheeu.org](mailto:ask+request-3238-deb34453@asktheeu.org)

Subject: Your application for access to documents

Ref.: GESTDEM 2016/4636

Dear Ms Cann,

I refer to your message dated 18/08/2016 in which you made a request for access to documents, which was registered on 22/08/2016 under the above mentioned reference number.

1. SCOPE OF THE REQUEST FOR ACCESS

As stated in the acknowledgment of receipt which we sent you on 29 August 2016 (Ares(2016)4839683), we understand that your request for access to documents covers the agendas, minutes and attendance lists of the meetings of the Digital Stakeholder Forum (DSF) held on 15 April and 19 May 2015.

On this basis, we have identified the following documents as coming under the scope of your request:

- (1) Agenda DSF 15/04/2015 (v. 2.1)
- (2) Minutes DSF 15/04/2015 (v. 0.2)
- (3) Agenda DSF 19/05/2015 (v. 1.3)
- (4) Minutes DSF 19/05/2015 (v. 0.3)
- (5) Annex 1 to the Minutes DSF 19/05/2015 – Forum on Data
- (6) Annex 2 to the Minutes DSF 19/05/2015 – The role of local IT
- (7) List of participation DSF 19/05/2015

The above-mentioned documents are not registered in Ares, the central registry of documents created, received and held by the Commission, but they are currently available to its staff through an internal collaborative site.

Please note that no attendance list or list of participation has been kept as regards the meeting held on 15/04/2015. Hence your request for access is devoid of purpose in this regard.

2. OUTCOME OF THE ASSESSMENT

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be **partially** disclosed.

Hence, some parts of the documents have been blanked out, as their disclosure is prevented by the exceptions to the right of access laid down in Article 4 of this Regulation, as explained below.

3. APPLICABLE EXCEPTIONS

3.1. Exception on the protection of public security

Pursuant to Article 4(1)(a), 1st indent, of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of public interest as regards public security.

Two of the requested documents contain sensitive information related to IT security, which is protected by this exception:

- Document (2) contains information (under point 4) related to the security features of an IT system supporting the meetings of the Commission.
- Document (6), Section 7, contains the summary of a very open discussion about the IT security landscape at the European Commission, which identifies several areas for improvement in terms of resources, responsibility, organisation, user awareness, documentation, etc.

Disclosure of this information would facilitate the performance of illegal activities with a large impact on public security, by making it easier for malicious third parties to identify and exploit potential weaknesses in the Commission's IT security environment and to carry out cyber-attacks.

In conclusion, such disclosure is likely to affect public security. Therefore, we are disclosing the documents requested expunged from this information.

The deletions under this exception are marked in RED.

3.2. Exception on the protection of personal data

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 EU legislation regarding the protection of personal data.

With the exception of Document (6), all the documents to which you have requested access contain personal data, in particular names, initials, telephone numbers, office numbers and other data related to the participants in the meetings, knowledge of which would enable anyone to identify those persons. In addition, Document (5) contains pictures and Document (7) contains signatures, which are also personal data.

The applicable legislation in this field is Regulation (EC) No 45/2001¹. 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.

I consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or 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 these personal data.

The deletions under this exception are marked in BLACK.

Nevertheless, in accordance with the Commission's current administrative practice, access can be granted to the personal data of staff in senior management positions (Director and above). In such cases, the personal data in question have not been expunged.

4. REUSE OF THE REQUESTED DOCUMENTS

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, and that you do not distort their original meaning or message. Please note that the Commission does not assume liability stemming from the reuse.

5. MEANS OF REDRESS

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

¹ 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 data (OJ L 8 of 12.01.2001, p. 1).

² Judgment of the Court of Justice of the European Union (Grand Chamber) of 29 June 2010 in Case C-28/08 P, *European Commission v The Bavarian Lager Co. Ltd.*, ECR 2010 I-06055.

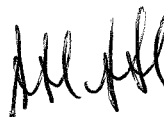
Regulation (EC) No 1049/2001, to make a confirmatory application requesting the Commission to review this position.

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,



Gertrud INGESTAD

Enclosure: Requested documents - Redacted