



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

Administrative and Legal Support, Liaison SRD

Brussels,

By registered letter with acknowledgment of receipt

Wiesje VAN NUNEN
Access Info Europe
Cava de San Miguel 8, 4C
28005 Madrid
SPAIN

Advance copy by email:

ask+request-3257-861ab01f@asktheeu.org

Subject: Your application for access to documents – GestDem 2016/4988

We refer to your e-mail dated 2 September 2016 in which you make a request for access to documents, registered on 6 September 2016 under the above mentioned reference number.

You request access to:

1. *Memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping. I am particularly interested in documents that refer to creation/keeping of:*
 - *Agendas (diaries of public officials' engagements), lists of meetings, minutes of meetings, lists of participants in meetings, and documents justifying decisions.*
2. *Memos, guidance, guidelines, or training material (or any other document) for DG staff on the processing of access to information requests.*

I understand that you and your colleague Mireia CRESPO CASTELLANO have made, on behalf of 'Access Info Europe', identical requests to a large number of Directorates General ('DG'), including the General Secretariat of the European Commission.

The General Secretariat of the European Commission is responsible for defining and monitoring the institution's policies on document management and access to documents on corporate level, and has replied to your colleague's relevant request as follows:

1. GestDem 2016/4877 – reply dated 20 September 2016 (document management)
2. GestDem 2016/4880 – reply dated 16 September 2016 (access to documents)

The corporate elements indicated in these replies apply in full within DG Climate Action.

Please note that DGs Environment and Climate Action share the service responsible for the implementation of the institution's policy on document management on the level of both DGs. Since any documents you may receive in reply to the first part of your specific requests to both DGs would therefore be identical, we will issue a common response.

This first part of your application is currently being handled, however, we will not be in a position to complete it within the time limit of 15 working days, which expires on 27 September 2016 for DG Climate Action. In accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents, we have to extend the time limit with 15 working days. The new time limit for DG Climate Action expires on 18 October 2016.

With regard to part two of your request to DG Climate Action, I would like to once again emphasise that the corporate elements that your organisation has already received by our General Secretariat apply and are fully implemented within DG Climate Action.

The service within DG Climate Action responsible for the coordination of any requests for access to documents has issued an information note on DG-internal working arrangements, and given a presentation to DG staff on the applicable corporate rules, both documents are enclosed.

Please note that these documents are working documents within DG Climate Action and as such do not reflect the position of the European Commission as a whole. They cannot be quoted as reflecting the European Commission's position, and cannot be reproduced or disseminated for commercial purposes without prior consent given by the European Commission.

The aforementioned information note to which you have requested access contains 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 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

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.

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.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Rudy Van Horenbeek', with a large, stylized loop at the end.

Rudy VAN HORENBEEK

Enclosures: Note on Working Arrangements within DG Climate Action
 Presentation to staff of DG Climate Action