



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Resources & Support
Compliance & Planning
Head of Unit

Brussels, **13 OCT. 2016**
CONNECT/R4/KE/GM/sg

Ms. Wiesje van Nunen
Access Info Europe
Cava de San Miguel 8, 4C
28005, Madrid

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REGISTERED LETTER WITH ACKNOWLEDGEMENT OF RECEIPT

Subject: Your request for access to documents under Regulation (EC) No 1049/2001 – reference GestDem No 2016/4875

Dear Ms van Nunen,

We refer to your e-mail dated 02/09/2016 in which you make a request for access to documents under Article 6(1) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ ('Regulation 1049/2001'), registered on the same date under the above mentioned reference number and to our letter of 23/09/2016 extending the initial deadline for reply.

You request access to '*documents which contain the following information:*

1. Memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping. (...) 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.'

We understand from the wording of your application that it covers documents developed locally by our DG, i.e. DG CONNECT, for its own staff. This interpretation is confirmed by

¹ Official Journal L 145 of 31.5.2001, p. 43.

the fact that you or your colleagues appear to have submitted similar applications to other departments, including the Secretariat-General, which is responsible for producing such documents at corporate level.

We have identified the following documents as falling under the scope of your request:

- (1) Guidance note regarding handling of requests for access to documents;
- (2) Leaflet on access to documents;
- (3) Presentation to DG CONNECT staff (slides);
- (4) Access to documents flyer;
- (5) Guidance note regarding meeting reports;
- (6) Guidance regarding registration of documents.

Having analysed the content of the above-mentioned documents, we are pleased to inform you that wide partial access is granted, with only personal data redacted in the document called '*Presentation to DG CONNECT staff*', on the basis of the exception in Article 4(1)(b) of Regulation 1049/2001 (protection of privacy and the integrity of the individual). These documents contain the names of Commission staff members not holding any senior management positions.

Pursuant to Article 4(1)(b) of Regulation 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 data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

According to Article 8(b) of that 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/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 this personal data.

Please note that these documents are working documents within DG CONNECT 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

² Official Journal L 8 of 12.1.2001, p. 1.

³ Judgment of the Court of Justice of the EU of 29 June 2010 in Case C-28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

disseminated for commercial purposes without prior consent given by the European Commission.

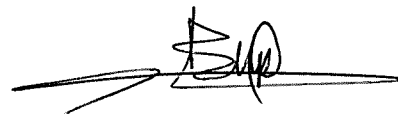
In case you would disagree with the above assessment, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to introduce a confirmatory application requesting the Commission to review this position.

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,

A handwritten signature in black ink, consisting of a stylized 'K' followed by a circular flourish and a long horizontal line extending to the right.

Katleen Engelbosch