



EUROPEAN COMMISSION
EUROSTAT

Directorate A: Cooperation in the European Statistical System; International cooperation;
Resources

Unit A-5: Legal and institutional affairs; Relations with EP; Document management

Luxembourg,
ESTAT/DG/A5/HO/lj

Mrs W. van Nunen
Access Info Europe
Cava de San Miguel 8, 4C
28005
ES - Madrid

Dear Mrs van Nunen,

Subject: Your application for access to documents – Ref GestDem No 2016/4897

We refer to your request dated 02/09/2016, registered on 02/09/2016 under the above mentioned reference number, and in which you make a request for access to documents containing the following information:

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

As regards point 1, Eurostat has, firstly, identified a list of documents (Annexe 1) relevant to document registration within our Directorate General. The documents listed cover internal guidelines on document registration based on the general rules from the Secretariat General, adapted and elaborated to correspond to internal requirements within our Directorate General. Secondly, two templates have also been identified as falling within the scope of your request, related to presence lists and agendas. The two aforementioned documents are not registered in ARES, the central registry of Commission documents, but are available to staff on Eurostat's intranet and are attached in annexe. Thirdly, the rules for managing personal data in relation to the organisation of meetings are available in the public register under the following link: <http://ec.europa.eu/dpo-register/details.htm?id=30401>

Regarding point 2 on access to information requests, Eurostat follows the guidelines as issued by the Secretariat General who will reply to your request separately.

You are given access to the majority of the documents referred to in the abovementioned list. Please note that the first two documents on the list are out-dated and have been replaced by general guidance provided by the Secretariat General. Furthermore, some documents have been considered to fall outside the scope of your request and are therefore not attached to this letter.

With regard to some documents, wide partial access is granted with only personal data redacted on the basis of the exception in Article 4(1)(b) of Regulation 1049/2001 (protection of privacy and the integrity of the individual).

Article 4(1)(b) of Regulation 1049/2001 provides that [T]he institutions shall refuse access to a document where 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 relevant undisclosed parts contain the names, initials and office addresses of Commission staff members not holding any senior management positions, as well as names of third party staff or individuals external to the Commission. These are undoubtedly personal data in the meaning of Article 2(a) of Regulation 45/2001, which defines it as any information relating to an identified or identifiable natural person (...); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity. It follows that public disclosure of the above-mentioned information would constitute processing (transfer) of personal data within the meaning of Article 8(b) of Regulation 45/2001.

Therefore, I have to conclude that the transfer of personal data through the disclosure of redacted relevant parts of the documents cannot be considered as fulfilling the requirements of Regulation 45/2001. In consequence, the use of the exception under Article 4(1)(b) of Regulation 1049/2001 is justified, as there is no need to publicly disclose the personal data included therein, and it cannot be assumed that the legitimate rights of the data subjects concerned would not be prejudiced by such disclosure. Please note that Article 4(1)(b) of Regulation 1049/2001 does not include the possibility for the exception defined therein to be set aside by an overriding public interest.

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 the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse. 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-B4
BERL 5/340
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu.

Yours faithfully,

Helena Ottosson

Annexes: Overview Procedures (plus documents as mentioned therein)
 Attendance template meetings
 Agenda template meetings