



EUROPEAN COMMISSION

Directorate-General for Financial Stability, Financial Services and Capital Markets Union

Inter-institutional relations, planning and stakeholders' relations

Brussels,
FISMA.02/DB/el/Ares(2016)6452413

Ms Wiesje van Nunen
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By registered letter with acknowledgment
of receipt

Subject: Your request for access to documents Ref GestDem 2016/4902

Dear Ms van Nunen,

I refer to your e-mail of 2 September 2016, registered on the same date, in which you made a request for access to documents.

You wish to have access to the following documents as regards the Directorate-General for Financial Stability, Financial Services and Capital Markets Union.

"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."

As regards the first part of your request, since 1 December 2014 new transparency rules apply in respect of meetings with our Director General, Commissioner and Members of his Cabinet. They meet interest representatives (organisations and self-employed individuals) on issues relating to policy-making and implementation in the EU only if they are registered in the EU's Transparency Register. Information on their meetings (date, location, name of the organisation or self-employed individual and subject of the meeting) are published on our website. For details, please see the Commission's decision of 25 November 2014 on the publication of information on meetings held between Directors General of the Commission and organisations or self-employed individuals.

You may consult our website using the following link:
http://ec.europa.eu/dgs/finance/index_en.htm

Our Director General, Olivier Guersent, has continued the approach initiated by his predecessor Mr Faull concerning meetings with interest representatives in DG FISMA. A note was sent by M. Faull to all staff on 13 January 2015 (see enclosure 1) laying down the necessary guidelines and best practices in order to enhance transparency in our Directorate General. Furthermore, internal guidelines (see enclosure 2) were issued in May 2016 in order to update and further disseminate the instructions given by the Director General. Finally, an e-mail from myself dated 18 December 2015 summarising and recalling the rules concerning meetings with external stakeholder was distributed to all staff (enclosure 3).

As regards the second point of your request, please note that requests for information are handled in accordance with the code of good administrative behaviour, which was published in the Official Journal of the European Communities: OJ L 267, 20.10.2000
http://ec.europa.eu/transparency/code/docs/code_en.pdf

Guidelines were established in our Directorate-General in order to apply Regulation (EC) No 1049/2001 and internal rules established by the Secretariat General on access to documents. Our internal guidelines are contained in Fiche n°1 on access to documents (enclosure 4).

Having examined the four documents mentioned, we have come to the conclusion that the documents may be partially released. All these documents contain personal data, in particular names of civil servants of DG FISMA above the level of Director and names of visitors and the signature of the former Director General. These have been erased.

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 data.

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

According to Article 9(1) of this Regulation and unless the conditions of Article 9(6) of the Regulation are met, personal data shall only be transferred to recipients, other than Community institutions and bodies, which are not subject to national law adopted pursuant to Directive 95/46/EC, if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

We consider that, with the information available, the fulfilment of these conditions has not been established. Therefore, we are disclosing the documents requested with personal data expunged.

Should you 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



Eric DUCOULOMBIER
Head of Unit

List of documents partially disclosed (enclosures 1 to 4):

- 1) Note to all staff dated 13.01.2015, signed by Jonathan Faull
- 2) Fiche N° 3: The Events Management Tool (EMT)
- 3) E-mail dated 18 December 2015 addressed to FISMA LIST (Rules concerning meetings)
- 4) Fiche N°1: Access to documents