



European Research Council  
Executive Agency

Established by the European Commission

Brussels, 22/06/2017

ERCEA/D3/Ares save N°

2017 3578176

Mr. Peter Teffer  
Rue Montoyer 18B  
1000 Brussels  
Belgium

**Send by e-mail to:**

ask+request-4251-fb74ac13@asktheeu.org

*Registered letter with acknowledgment of receipt  
Advanced copy via @mail*

**Subject: Your request for access to documents of 8 May 2017 – Rental contract**

**Reference: Ares(2017)2410787**

Dear Mr. Teffer,

In answer to your request for access to the "documents which contain information on the rental contract(s) of the building(s) the agency occupies", and which was registered under the reference number Ares(2017)2388793, please, find hereafter the ERCEA's reply.

We have identified a document named "*Convention de Constitution d'Usufruit*", which was signed on 15 September 2008, between the company "*Immobilière du Royal Rogier*" and "*l'Agence ERCEA de la Commission Européenne*". This document includes some Annexes.

In the light of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents, we have verified whether any of the exceptions to the disclosure of the requested document, foreseen in Article 4 of Regulation (EC) N° 1049/2001, would apply. Article 4 (1) foresees that "*the institutions shall refuse access to a document where disclosure would undermine the protection of:*

- (a) *the public interest as regards: - public security (...); and*
- (b) *privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data."*



Please, note that for ERCEA, the applicable Community legislation in the field of data protection is Regulation (EC) 45/2001 of the European Parliament and of the Council 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.

With regard to point (a), the ERCEA considers that certain parts of the document in question contain sensitive information whose disclosure could entail a risk to the public security and particularly to the Agency's staff, such as plans of the building as well as security and surveillance information of the building, and therefore, access should be refused. This information is namely in point 1.8 of the "*Convention*" and in Annexes 1, 1(7), 5(4), 8, 13 and 19.

With regard to point (b), certainly the identified document contains some personal data, such as the name, surname, personal address, signature, and signed initials of certain members of the staff of the Commission and/or the company owning the building that signed the contract. There is also other personal data, such as the names of the contractors or of the notaries involved in the contract. This information appears both in the main part of the document ("*Convention*") and in particular in Annexes 1(6), 4, 5 (3), 6 (2), 20, 21, 23 and 26.

Except for the case of the name of the European Commission's representative, the conclusion of our assessment, in light of the above mentioned Regulation 45/2001, is that the disclosure of the above indicated personal information should not be allowed. Indeed, according to Article 8 (b) of the latter 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 data subjects (i.e. concerned persons) might be prejudiced; conditions that, in our view, are not met in your case.

Notwithstanding this, and in accordance with Article 4(6) of the Regulation (EC) 1049/2001, we have considered the possibility of granting you partial access to the referred document, i.e. for the parts which do not concern any of the above mentioned aspects. Annexes 1, 1(7), 5(4), 8, 13 and 19 are entirely covered by the exceptions described above since they contain only security related information. Therefore partial disclosure of these annexes is not meaningful as they would be totally blacked out. However, partial access may be given to the other parts of the document requested, after having redacted the information the disclosure of which is prevented by the exception of Article 4 (1) (b), as described above.

Please, find attached a copy of the referred document expunged of the personal and security-related information.

### ***Means of redress***

Please, note that in case you would like the present ERCEA's decision to be reviewed, you should write to the ERCEA's Director at the address below, confirming your initial request. You have 15 (fifteen) working days to do so from receipt of this letter, after which your initial request will be deemed to have been withdrawn.

The ERCEA Director would then inform you of the result of this review within 15 (fifteen) working days from the registration of your request, either granting you access to the requested documents or confirming the partial refusal. In the latter case, you would be informed of how you could take further action.

Your confirmatory request should be sent to the following address:

European Research Council Executive Agency (ERCEA)  
Pablo Amor, Director  
COV2 - Place Rogier 16,  
BE-1049 Brussels, Belgium

or to the following e-mail address: [erc-access-to-documents@ec.europa.eu](mailto:erc-access-to-documents@ec.europa.eu).

Yours sincerely,



Georges-Eric TE KOLSTE  
Head of Department