



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 11. 09. 2017

Ms Margarida da Silva
CEO
Rue d'Edimbourg 26
1050 Brussels
By email: ask+request-4538-95f8c903@asktheeu.org

Subject: Your application for access to documents – Ref/GestDem No 2017/4535

Dear Ms da Silva,

I refer to your e-mail dated 2 August 2017 and registered on the following day by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"documents which relate to applications made under the Staff Regulations (article 16 or article 40) for authorisation for post-employment activities by Mette Toftdal Grolleman"*. In particular, you request *"a note of all Ms Grolleman's job titles at the Commission including dates held; copies of any application(s) that she has made under the Staff Regulations to undertake a new professional activity; and all documents (correspondence, emails, meeting notes etc.) related to the authorisation of the new role or roles"*.

I have examined your request under the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

The document identified is one application form submitted by Ms Toftdal Grolleman in the framework of Article 16 of the Staff Regulations and the related decision from the Appointing Authority. I have also identified e-mail exchanges which took place between 5 December 2016 and 9 March 2017 within Commission services or between Commission services and Ms Toftdal Grolleman pertaining to the underlying internal procedures concerning this request for authorisation.

The documents you requested contain personal data relating to the past and present occupational activities of Ms Toftdal Grolleman. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 applies.

As for the e-mail exchanges between the Commission services and Ms Toftdal Grolleman, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 applies. Such exception is related to the protection of the Commission's decision-making process even after the decision of the Appointing Authority has been taken. In addition, in the absence of an overriding public interest, the exception to the right of access cannot be waived.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) N° 1049/2001, I have concluded that this would equally undermine the protection of personal data.

Against this background, I can nevertheless provide you with the following general information on the process to which your request relates.

Ms Toftdal Grolleman submitted a declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), dated 5 December 2016 and registered on the same date, relating to the authorisation to engage in a remunerated occupational activity as a Senior Vice President at Fleishman Hillard.

Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval on 9 March 2017 to carry out these activities, subject to certain conditions. Ms Grolleman, during the 12 months after leaving the service, was prohibited: a) to advise clients on specific files for which she was responsible while in service; b) to engage in any lobbying or advocacy vis-à-vis staff of the Commission on matters for which she was responsible while in service; c) to work on client's files directly linked to the preparation and conduct of negotiations under Article 50 TEU.

Ms Toftdal Grolleman was reminded of the obligation to inform the Commission if she intends to engage in any new occupational activity within 2 years after leaving the service. It was further clarified that this obligation extends to any change to the activity covered by the Appointing Authority decision of 9 March 2017.

Furthermore, I can provide you with some information on the last posts held by Ms Toftdal Grolleman, covering the period which was assessed as regards any potential conflict of interest:

- From 01 November 2014 to 16 July 2016: Cabinet of Commissioner Hill, Cabinet Staff Member, Temporary Agent, AD 10;

- From 16 July 2016 to 15 September 2016: placed at disposal, Cabinet Staff;

- From 16 September 2016 to 31 December 2016: Cabinet of Commissioner Dombrovskis, Cabinet Staff Member, Temporary Agent, AD 10.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

¹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

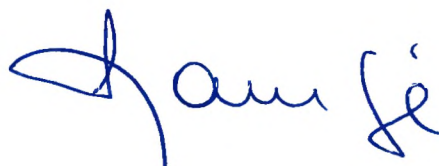
Please be informed that a copy of this letter will be sent to the person concerned.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled 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 5/327
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu



Yours sincerely,

Irene SOUKA