

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, **24 NOV. 2017**

Ms Margarida da Silva
CEO
Rue d'Edimbourg 26
1050 Brussels
By email: ask+request-4764-03d8ba8a@asktheeu.org

Subject: Your application for access to documents – Ref/GestDem No 2017/6689

I refer to your e-mail dated 3 November 2017 and registered on 6 November 2017 by which you make a request for access to documents under the above mentioned reference number.

Your application concerns "*documents which relate to any article 16, article 12B and article 40 (staff regulations) applications made by Lionel Sola, Inter-Institutional Coordinator at DG CNECT January 2017*". In particular, you request "*a note of all Mr. Sola' job titles at the Commission including dates held; copies of any application(s) that he has made under article 12b, 16 and 40 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 documents identified in the framework of your request are the following:

- one declaration form for post-employment activity submitted by Mr Sola in the framework of Article 16 of the Staff Regulations;
- correspondence within Commission services and between Commission services and Mr Sola concerning the above mentioned declaration.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Sola. 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 correspondence between the Commission services and Mr Sola, 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. 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.

Mr Sola's declaration form for post-employment activity regarded the following activity: Head of communication, media relations, website manager, logistics coordinator for events organization and internal communication for Digital Europe, in Brussels.

Following the general rules concerning the consultation process for this type of requests, Mr Sola received a positive response for his declared activity on 21 August 2017. The activity carried out by Mr Sola is subject to all ethics provisions of the Staff Regulations which are relevant for post-employment activities.

Furthermore, I can provide you with some information on the positions and titles of Mr Sola. Between June 2009 and August 2017, Mr Sola was an agent under the CEOS (Conditions of Employment of Other Servants of the European Union) as well as an interim staff member in DG Connect with various assignments: Information and Communication Officer – DAE (Digital Agenda for Europe) Social Media Coordinator, Policy Officer for Inter-institutional relations, and Assistant to the Director-General (for the period February - June 2013).

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.

Finally, please be informed that a copy of this letter will be sent to the person concerned.

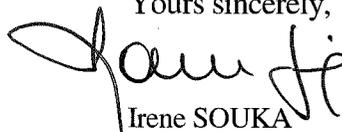
In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

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