



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL COMMUNICATION

Director-General

Brussels,  
COMM.DG.A2/MFC

***By registered letter with  
acknowledgment of receipt***

Ms Julia Reda  
Parlement européen  
Bât. Altiero Spinelli 05F158  
60, rue Wiertz  
B- 1047 Bruxelles

***Advanced copy by email***

**Subject: Your application for access to documents – Ref GestDem No 2018/3835**

Dear Ms Reda,

We refer to your e-mail dated 29/06/2018 in which you make a request for access to documents, registered on 09/07/2018 under the above mentioned reference number.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of Directorate-General CNECT, parts of it have been attributed to this Directorate-General (GestDem 2018/3628)

This reply relates only to the documents held by DG COMM. You will receive the reply from the other Directorate-General in due course.

Your request: *"The staff running the accounts of the European Commission has been engaging on twitter and other channels regarding the effects of Article 13 of the Copyright in the Digital Single Market Directive proposal (for example at [https://twitter.com/EU\\_Commission/status/1010093360143425536](https://twitter.com/EU_Commission/status/1010093360143425536)*

[https://twitter.com/EU\\_Commission/status/1010066160128286721](https://twitter.com/EU_Commission/status/1010066160128286721)

[https://twitter.com/EU\\_Commission/status/1011962461837115392](https://twitter.com/EU_Commission/status/1011962461837115392)

[https://twitter.com/EU\\_Commission/status/1011254657560260609](https://twitter.com/EU_Commission/status/1011254657560260609)

[https://twitter.com/EU\\_Commission/status/1011254796593004545](https://twitter.com/EU_Commission/status/1011254796593004545)

[https://twitter.com/EU\\_Commission/status/1011254836212518914](https://twitter.com/EU_Commission/status/1011254836212518914)

[https://twitter.com/EU\\_Commission/status/1011254976499343360](https://twitter.com/EU_Commission/status/1011254976499343360)

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1000 Brussel - Belgium. Telephone: +32 2 299 11 11  
Office: LOI 56 06/007. Telephone: direct line +32 2 295 79 95

<http://ec.europa.eu/dgs/communication>

and

<https://ec.europa.eu/digital-single-market/en/faq/frequently-asked-questions-copyright-reform>)

*I am requesting all information concerning these posts, such as:*

*\* Memos, Briefings, protocols of Commission staff, freelancers and other people involved in the social media and press activities. This may include draft responses in written or visual form, guidelines or timetables sent via email or through the Content Management Systems (including the wikis used by the Commission staff).*

*\* Any communication between said people and DG CNECT or Legal Service staff (or other units) on the assessment of the claims concerning article 13 (regardless whether it refers to the Council negotiation mandate, the Commission proposal or the JURI version and its drafts) and memes. This may include draft responses and questions concerning memes, the optional parody exception, ECJ case law, national implementation of exceptions and other topics discussed.*

*\* Any draft or final responses sent out to journalists, scholars, citizens or corporations concerning article 13 (regardless whether it refers to the Council negotiation mandate, the Commission proposal or the JURI version and its drafts) since April 2018.*

*\* "information" or "document" should be understood in a broad sense and shall include images, audiovisual material and animations. I am requesting digital copies of these files, not black-and-white scanned printouts on these.*

We have identified the following documents as corresponding to your request:

1. Email from 25/06/2018 – Copyright – parody – replies for social media
2. Exchange of emails from 20/06/2018 – Background briefings for today: free flow of data and copyright
3. Exchange of emails from 20/06/2018 – Copyright
4. Exchange of emails from 26/06/2018 – Copyright – Italy/Di Maio
5. Exchange of emails from 13/06/2018 – EU Copyright Directive Article 13 questions
6. Exchange of emails from 13/06/2018 – Query re Article 13 (Copyright Directive)
7. Exchange of emails from 02/07/2018 – Tes questions droit d'auteur

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that they may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

These 7 documents contain personal data (in particular names, email addresses and signatures) of Commission staff not occupying any senior management position and of journalists (documents numbered 2 to 7).

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<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

According to Article 8(b) of this 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 persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

Therefore, the requested documents are released expunged from the personal data.

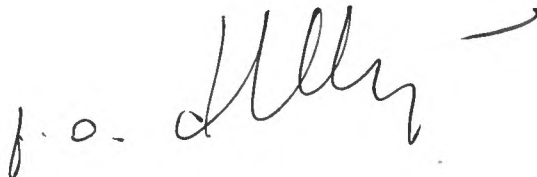
In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory 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 5/288  
B-1049 Bruxelles or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Timo Pesonen

A handwritten signature in black ink, appearing to read 'Timo Pesonen', with a horizontal line extending to the right.

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.