



EUROPEAN COMMISSION

Directorate-General for International Cooperation and Development

Director-General

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By registered letter with acknowledgment of receipt

Advance copy by email : ask+request-5703-93039c8a@asktheeu.org

Subject: Your application for access to documents – Ref GESTDEM 2018/3528

Dear Sir,

I refer to your e-mail dated 13/07/2018 in which you make a request for access to documents, registered on 13/07/2018 under the above-mentioned reference number and to the e – mails dated 11 – 13/07/2018 concerning a request for clarifications.

I also refer to the e-mail of 25/07/2018 via which the time limit for handling your request was extended by 15 working days, pursuant to Article 7(3) of Regulation (EC) No 1049/2001.

1. SCOPE OF YOUR REQUEST

You request access to “all documents, including mails, sms, whatsapp, audio and video recordings related to the conference organised jointly by the European Commission and Lumos, which was held in Brussels on 15 June 2018”; “in particular, but not limited to, invitations, thank you letters/mails, correspondence related to partnership arrangements, financials, participants list”.

Based on your application we have identified the documents listed in Annex I to this letter.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001

2.1. DISCLOSURE (FULL OR PARTIAL) OF DOCUMENTS UNDER YOUR REQUEST

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have concluded that they may be fully or partially disclosed. Partial disclosure refers to those documents parts which have been redacted as their disclosure is prevented by exceptions to the right of access laid down in Articles 4(1)(b) and 4(2) first indent of this Regulation as regards the protection of personal data.

Mr Arun Dohle
Against Child Trafficking
c/o Crown Business Center
Schiphol-Hoofddorp Planetenweg 5
NL 2132 HN Hoofddorp
Netherlands

The redacted parts of the document under number 20 contain extracts from Lumos research on EU's role through external action, which has not yet been published. The redacted parts reflect the methodology and know – how of Lumos with carry a commercial value for them. Disclosure of these parts prior to the publication of the research by Lumos would undermine the commercial interests of the entity, including intellectual property. Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this part of the document. Furthermore, after examining whether there is an overriding public interest in disclosure of this part of the document I came to the conclusion that no such interest that would outweigh the protection of the commercial interests of Lumos exists.

Redacted parts in the rest of the documents contain personal data, in particular names, addresses, e-mail addresses, and phone numbers. I provide further detail on this exception in section 2.2 of this letter.

You may re-use the document requested under number 20, free of charge for non-commercial and commercial purposes provided the source is acknowledged, and you do not distort the original meaning or message of the documents. The Commission does not assume liability stemming from the re-use.

Please note that the rest of the documents, were received by the Commission from a third party and are being disclosed with the consent of Lumos. They are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

2.2. EXCEPTIONS BASED ON THE PROTECTION OF PERSONAL DATA

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 Union 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

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.

I 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, I am disclosing the documents requested expunged from this personal data.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

¹ Official Journal L 8 of 12.1.2001, p. 1

² 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 2010I-06055.

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

Yours faithfully,

Stefano Manservigi

Enclosures: Annex I – List of documents

Annex II – Zip file containing the documents