



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS
Director General

Brussels,
Ares(2018)4711296s

**By registered letter with
acknowledgement of receipt**

Mr Arun Dohle
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Advance copy by email
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Dear Sir

Subject: Your application for access to documents – Ref: GestDem No 2018/3538

We refer to your e-mail dated 30 June 2018 in which you make a request for access to documents, registered on 02 July 2018 under the above-mentioned reference number.

You have asked for "all documents, including but not limited to mails, audio and video recordings of the Child-friendly justice and integrated child protection systems – lessons learnt from EU-funded projects, 26 and 26 June 2018".

As indicated in our previous correspondence, your application concerns a large number of documents which needed to be assessed individually. In accordance with Article 6(3) of Regulation 1049/2000, in our letter dated 20 July 2018, we asked you to narrow down the scope of your request so as to reduce it to a more manageable amount of documents. In your reply of 23 July 2018 you narrowed down your request to the following categories of documents:

- E-mails exchanged with other European Commission services
- E-mails exchanged with speakers, NOT participants
- Documents concerning coordination and logistics (agendas and minutes of coordination meetings)
- Contract, offer and terms of reference
- List of participants
- Background document
- Invitations

In your reply, you asked for documents to be sent to you in batches. Unfortunately, this is no longer possible. The solution under Article 6(3) may concern the number and content of the documents applied for, but not the timeframe for dealing with the initial request which is limited to a maximum of 30 working days.

Handling your application, having regard to the volume of the documents requested, and the number of passages to be analysed and blanked out, would involve an inappropriate administrative burden and would be disproportionate. With a view to safeguarding the interests of good administration, we are obliged to balance your interest in access against the workload resulting from the processing of your application. We concluded that, according to our first estimates, a maximum of seven categories of documents (80 documents) could be dealt with within the extended deadline. Consequently, your application is understood to cover documents as listed in Annex 1. Due to the high volume, the attachments are on a USB stick sent by registered post, with the cover letter.

The detailed analysis of your request in light of the provisions of Regulation 1049/2001 follows below. As regards the remaining parts of your application, you are free to introduce a new request.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I 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 exception to the right of access laid down in Article 4 of this Regulation. The redacted parts of the documents contain commercially sensitive business information of the company that submitted it (documents number: 15, 17, 66, and 68). Putting this information in the public domain would affect the competitive position of the company concerned on the market. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

Furthermore, some of the documents to which you have requested access contain personal data, such as: name and last name, e-mail address, date of birth, postal address. 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 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.

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, we are disclosing the documents requested expunged of this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, 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.

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 2010 I-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

Tiina Astola

Enc: List of documents covered by this application
USB Stick with documents (sent by registered post only)

