



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director-General

Brussels,
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By registered letter with acknowledgment of receipt

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Germany

Advance copy by email:

ask+request-5735-xxxxxxx@xxxxxxx.xxx

Subject: Your application for access to documents – ref. GestDem n°2018/3666

Dear Sir,

We refer to your e-mail dated 11/07/2018 in which you make a request for access to documents, registered on 11/07/2018 under the above mentioned reference number.

You request access to

1. The letter sent by German Interior Minister Seehofer to Commissioner Avramopoulos on 27 June 2018 concerning the security cooperation with the United Kingdom after Brexit.
2. The answer to this letter by the German Permanent Representation to the European Union.
3. All documents within the Commission in relationship with this letter, including internal communication, memos, drafts, notes and protocols.

As regards point 1 above, the German Interior Minister Seehofer sent a letter¹ to Commissioner Dimitris Avramopoulos on 27/06/2018.

As regards point 2, the German Permanent Representation to the European Union sent a letter² to the Head of Cabinet of Commissioner Dimitris Avramopoulos on 06/07/2018.

As regards point 3, First Vice-President Timmermans and Commissioner King received letters³ with identical content to that sent to Commissioner Avramopoulos on 27/06/2018. The German Permanent Representation to the European Union sent a letter to Commissioner King on 06/07/2018⁴ which was the same as that one sent to Cabinet Avramopoulos referred to in point 2. As far as the letter of the German Interior Minister Seehofer sent to First Vice-President Timmermans is concerned, this was the same as that sent to Commissioner Avramopoulos on 27/06/2018, as a cover e-mail of the German authorities indicates. The letter was not archived separately but the fact of its receipt was recorded within the same internal reference.

¹ ARES(2018)3557511.

² ARES(2018)3608656.

³ ARES(2018) 3557511 and ARES(2018)3766280.

⁴ ARES(2018)3611674.

Since the documents concerned originate from the German authorities, they have been consulted as originators of the documents.

We are enclosing the letters and cover e-mail there above-referred to under points 1, 2 and 3. The documents to which you have requested access contain personal data, in particular handwritten signatures.

Pursuant to Article 4(1) (b) of Regulation (EC) n°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) n°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 data⁵.

When access is requested to documents containing personal data, Regulation (EC) n°45/2001 becomes fully applicable⁶.

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.

As to the handwritten signatures, which are biometric data⁷, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

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 a version of the documents requested in which these personal data have been redacted.

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

Yours faithfully,

Paraskevi MICHOU

[e-signed]

Enclosures: 6

⁵ Official Journal L 8 of 12.1.2001, p. 1

⁶ 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.

⁷ The '[Article 29 Working Party](#)' has defined [biometric data](#) as *biological properties, behavioural aspects, physiological characteristics, living traits or repeatable actions where those features and/or actions are both unique to that individual and measurable, even if the patterns used in practice to technically measure them involve a certain degree of probability.*