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|  | Brussels, 5 September 2018 |
| Mr Arne Semsrott  Email: ask+request-5798-755ca679@asktheeu.org | |
| Ref. 18/1595-ld/rh/jj  Request made on: 02.08.2018  Deadline extension: 24.08.2018 | |
| Dear Mr Semsrott, | |

Thank you for your request for access to documents of the Council of the European Union.[[1]](#footnote-1)

Please find attached following documents that you requested and that we identified for you:

* **CM 3219/1/18 REV 1**
* **ST 9036/18 INIT**
* **ST 9036/18 ADD 1**
* **ST 9036/18 ADD 2**

Please find also attached a partially accessible version of document **WK 8529/18**.[[2]](#footnote-2) However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **WK 8529/18** of 10 July 2018 is a meeting document from the General Secretariat of the Council to Delegations on *Implementation of the European Border and Coast Guard Agency (EBCGA) tasks in the area of return – Presentation by a EBCGA representative on the latest developments.* It contains personal data about an identified person. The personal data contained in this document is necessary for the organisation of the work of the Council.

The data protection rules at EU level[[3]](#footnote-3) provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.[[4]](#footnote-4)

After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in the document would undermine the protection of privacy and the integrity of the identified individual. As a consequence, the General Secretariat has to refuse full access to this document.[[5]](#footnote-5)

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).[[6]](#footnote-6)

Yours sincerely,

Paulo VIDAL

Enclosures

1. The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35). [↑](#footnote-ref-1)
2. Article 4(6) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-2)
3. 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 (OJ L 8, 12.1.2001, p. 1). [↑](#footnote-ref-3)
4. Article 8 of Regulation (EC) No 45/2001. [↑](#footnote-ref-4)
5. Article 4(1)(b) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-5)
6. Article 7(2) of Regulation (EC) No 1049/2001.

   Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent. [↑](#footnote-ref-6)