



EUROPEAN COMMISSION

Directorate-General for Financial Stability, Financial Services and Capital Markets Union

Inter-institutional relations, planning and stakeholders' relations

Brussels,
FISMA02/ Ares(2018)

Registered letter with acknowledgment
of receipt

Ms. Margarida da Silva
Corporate Europe Observatory
26, rue d'Edimbourg
1050 Bruxelles

**Subject: Your application for access to documents: reference number
GESTDEM 2018/4367**

Dear Ms. da Silva,

Thank you for your complementary request dated 8 November requesting access to correspondence linked to meetings held with Eurofi which were not included in our previous correspondence.

We have identified only 2 documents linked to the meeting on 13/11/2017 with unit D4 and with meeting on 18/12/2017 with unit 01.

After having examined the 2 documents, I have decided to give you partial access to all documents for the reasons mentioned below:

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 European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC¹ ('Regulation 2018/1725').

All documents to which you request access contain personal data, in particular names, e-mail addresses, phone numbers.

¹ Official Journal L 205 of 21.11.2018, p. 39.

Article 3(1) of Regulation 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person [...]’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.²

As regards personal data of Commission staff, please note in this respect that the names, signatures, functions, telephone numbers and/or initials pertaining to staff members of an institution are to be considered personal data.³

In its judgment in Case C-28/08 P (*Bavarian Lager*)⁴, the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data Protection Regulation becomes fully applicable⁵

Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘*personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if [t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests*’.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

² Judgment of the Court of Justice of the European Union of 20 December 2017 in Case C-434/16, *Peter Nowak v Data Protection Commissioner*, request for a preliminary ruling, paragraphs 33-35, [ECLI:EU:C:2017:994](#).

³ Judgment of the General Court of 19 September 2018 in case T-39/17, *Port de Brest v Commission*, paragraphs 43-44, [ECLI:EU:T:2018:560](#).

⁴ Judgment of 29 June 2010 in Case C-28/08 P, *European Commission v The Bavarian Lager Co. Ltd*, [EU:C:2010:378](#), paragraph 59.

⁵ Whereas this judgment specifically related to 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, the principles set out therein are also applicable under the new data protection regime established by Regulation 2018/1725.

In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

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 submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 5/282
B-1049 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Eric DUCOULOMBIER

Enclosure: 2 documents concerning meetings.

De : "[REDACTED] - EUROFI" <[REDACTED]>

Date : vendredi 9 novembre 2018 à 10:51:07

À : "[REDACTED] (FISMA)"

Objet : Eurofi - Possible rencontre mercredi 14 novembre prochain?

Bonjour [REDACTED]

J'espère que tu vas bien.

Nous sommes de passage mercredi prochain à Bruxelles. Serais tu disponible pour un petit tour d'horizon ? Nous serions disponible à partir de 19h15.

Bien à toi

[REDACTED]

<image002.jpg> Garanti sans virus. www.avast.com

From: [REDACTED] (FISMA)
Sent: Monday, December 11, 2017 5:05 PM
To: [REDACTED] EUROFI'
Subject: RE: Eurofi in Brussels on 18 December

Cher [REDACTED]
Merci pour votre e-mail.
Je confirme votre réunion avec [REDACTED] le 18 décembre à 14.45 -15.30.
Bien à vous,
[REDACTED]

From: [REDACTED] - EUROFI [mailto:didier.cahen@eurofi.net]
Sent: Friday, December 08, 2017 5:50 PM
To: FISMA 01
Subject: RE: Eurofi - Possible meeting in Brussels on 18 December afternoon?

Chère [REDACTED]

Merci pour votre réponse si rapide.
Nous rencontrons ce même jour U. Bassi de 11 h à midi. Il vaut mieux séparer les deux réunions car les sujets évoqués à Sofia sont multiples.
Il serait du reste opportun de prévoir 45mn/ 1 heure de rencontre avec [REDACTED] si possible quitte à commencer la réunion à 14h45 ce 18 décembre afin que nous puissions discuter les principaux points de discussions abordés dans les sessions auxquelles elle participera lors de notre prochain évènement en Bulgarie. Est-ce possible ?

Bien cordialement
[REDACTED]

De : FISMA-01@ec.europa.eu [mailto:FISMA-01@ec.europa.eu]
Envoyé : vendredi 8 décembre 2017 17:05
À : [REDACTED]
Objet : RE: Eurofi - Possible meeting in Brussels on 18 December afternoon?

Bonjour [REDACTED]

[REDACTED] pourra vous rencontrer le 18 décembre à 15h-15h30.
Est-ce que vous avez contacté les autres personnes dans notre direction?
Dans ce cas on pourrait combiner la réunion ensemble.
Merci d'avance pour votre collaboration.
Bien à vous,
[REDACTED]

European Commission

DG Financial Stability, Financial Services and Capital Markets Union
Unit 01 - Financial services policy and International affairs
Phone: +32 2 29 84393

Mail:

Mai [REDACTED]gium

Visitors: 2 rue de Spa, 1000 Brussels, Belgium

✉ FISMA-01@ec.europa.eu

From: [REDACTED] EUROFI [mailto:[REDACTED]]
Sent: Friday, December 08, 2017 4:09 PM
To: FISMA 01
Subject: TR: Eurofi - Possible meeting in Brussels on 18 December afternoon?

De : [REDACTED] - EUROFI [REDACTED]
Envoyé : vendredi 8 décembre 2017 16:06
À : 'fisma-01@ec-europa.eu'
Objet : TR: Eurofi - Possible meeting in Brussels on 18 December afternoon?

De : [REDACTED] EUROFI [REDACTED]
Envoyé : vendredi 8 décembre 2017 15:28
À : [REDACTED]
Objet : Eurofi - Possible meeting in Brussels on 18 December afternoon?

Dear [REDACTED]

We are very pleased that you are able to join us in Sofia for the forthcoming Eurofi event.
We are in Brussels on Monday 18 December. Would you be available for a meeting during the afternoon of this 18 December ideally at 2 or 3 pm or at 10 am?

Looking forward to reading you asap.

Best regards

[REDACTED]