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|  | Brussels, 22 October 2018 |
| Mr Peter TefferEmail: ask+request-5910-94ebcd47@asktheeu.org |
| Ref. 18/1773-em/nbRequest made on: 10.09.2018Deadline extension: 01.10.2018 |
| Dear Mr Teffer, |

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

Following our e-mail of 17/09/2018, we have been able to identify two documents relevant to your request:

- a document setting out the Summer plan for publications on the social media. You may have access to this document (attached);

- an exchange of e-mails between members of GSC's staff involved in the production of the video. This document contains personal data about identified persons. You will find attached a partially accessible version of this document[[2]](#footnote-2). However, I regret to inform you that full access cannot be given for the reasons set out below.

The EU data protection rules[[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). These data protection rules also provide that individuals have the right to be informed and to object to the publication of their personal data[[5]](#footnote-5).

The General Secretariat of the Council has consulted the identified persons whose personal data can be found in the documents. After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that you can only have access to information about the individuals who have agreed to the publication of their personal data. Disclosure of the remaining personal data would undermine the protection of privacy and the integrity of those individuals who have not agreed that their personal data may be published[[6]](#footnote-6).

Regarding the estimate cost of the video, I cannot but confirm in substance the information we already provided you with our letter of 11/09/2018. The indicated cost of 800 € of the video was calculated taking into account the professional profiles and the estimated working time necessary for the production of the video, that is 1 journalist-producer for half a day and 1 video editor for one day and a half, based on the average cost per day for these profiles within the framework contract for the provision of audio visual services to the Council of the European Union/European Council published on e-tendering (contract notice UCA 16/037) : <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=1690>.

Should you consider this reply unsatisfactory, you can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application)[[7]](#footnote-7).

Yours sincerely,

Paulo VIDAL

Enclosures: 2

1. The General Secretariat of the Council - acting as secretariat for the European Council pursuant to Article 235(4) of the Treaty on the Functioning of the European Union - 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 of the European Council's Rules of Procedure (European Council Decision No 2009/882/EU, OJ L 315, 2.12.2009, p. 51) set out in Article 10(2) which makes Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35) applicable mutatis mutandis. [↑](#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 18 of Regulation (EC) No 45/2001. [↑](#footnote-ref-5)
6. Article 4(1)(b) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-6)
7. 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-7)