

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate B
The Director

Brussels,
SG.B.5/GL/psi - sg.dsg1.b.5(2013)3002484

Mr Aris Kolimatsis

by e-mail:
ask+request-596-be25232d@asktheeu.org

Subject: Your e-mail dated 24/07/2013 related to ref. GestDem 2013-3488

Dear M. Kolimatsis,

I am referring to your message dated 24 July 2013 sent to DG MOVE, via the website "Ask the EU" with the email address ask+request-596—be25232d@askthe eu.org

You indicate in this message your wish to introduce a confirmatory application in reference to your initial application under reference GESTDEM 2013/3488 by which you had sought the public divulgation of a number of documents under the terms of regulation 1049/2001 on access to documents. My own message today relates to items 1 to 4 of your initial request. As I understand that item 5 was the object of a similar request from you handled by DG ENTR under reference GESTDEM 2013/3418 and that item 6 was subject to a clarification on your part which you have now provided to DG MOVE.

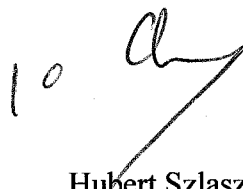
Having read your message I came to the conclusion that, in order to be able to proceed with the handling of the file, I would need some clarification from you on the exact scope of your confirmative application and this for the following reasons:

1. I understand from the file, and from our services, that the answer to your initial application has been provided to you within the legal deadlines.
2. Those documents held by our services and which have identified as corresponding to your requests have been released either on the occasion of this initial application or had already been released on the occasion of one of your previous application.

It appears thus *prima facie* that our services in their reply have not refused to provide you with any of the documents which they holds corresponding to your request, and that they have released those documents in full, without any redaction of their content. I fail thus to see which document held by our institution could be subject to a confirmative application. Please provide me with this clarification to enable us to proceed with your request and, let me also know if we can assist you in this regard any further, in accordance with Article 6 of Regulation (EC) No. 1049/2001.

I understand from your message that you are critical of the way the Commission might have acted in relation with the processing your personal data by the community institutions and bodies. If this is the case, I must draw your attention to the fact that this is an issue which, in substance, cannot be addressed and dealt with within the scope and procedure of regulation 1049/2001. This regulation only relates to the public divulgation of documents which are in the possession of the institution which has received the application. If, as a data subject, you wish to activate a remedy procedure related to the processing itself of your personal data by the Commission, I need to refer you to the remedies foreseen by article 32 of regulation (EC) 45/2001 (OJ L8/6 of 12.1.2001) according to which "every data subject may lodge a complaint with the European Data protection Supervisor if he or she considers that his or her rights under article 286 of the Treaty have been infringed as a result of the processing of his or her personal data by a community institution or body" The regulation also states that "the Court of Justice shall have jurisdiction to hear all disputes which relate to the provision of this regulation". These means of redress would be the appropriate routes to take and they are fully available to you as a data subject.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'H. Szlaszewski', with a long diagonal stroke extending downwards and to the right.

Hubert Szlaszewski