



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Director-General

Brussels, 27 AOUT 2013
DG JUST/A4/TS/sec Ares(2013)

Mike Stabenow
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Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2013/3477

We refer to your e-mail dated 2/07/2013 in which you make a request for access to documents, registered on 2/07/2013 under the above mentioned reference number.

Your application concerns the following document:

- Audit Reports by European Commission for ILGA EUROPE accounts (2010, 2011, 2012 and 2013)

The only audit report made by the Commission for ILGA Europe accounts between 2010 and 2013 concerns the operating grant VS/2010/158 of 2010.

Having examined this document under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that it may be partially disclosed. Some parts of the document have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

The expunged parts of the document are:

- The names and signatures of the Commission's auditors and the name of Ilga's representative consulted on the audit report.

Disclosure of these parts would undermine the protection of

- **privacy and the integrity of the individual:**

Please note that 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 EU legislation regarding the protection of personal data. The applicable legislation in this field is 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 data¹.

¹ OJ L 8 of 12.1.2001, p. 1.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². 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. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the need for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 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-5
BERL 5/327
B-1049 Bruxelles

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

Yours faithfully,



Françoise LE BAIL

Annex: Audit report of 31 July 2012

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, OJ C 234 of 28.8.2010, p. 3.