



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate C: Fundamental rights and Union citizenship
Unit C.3: Data protection

Brussels, 09. 08. 2013
JUST/C3/AK/sv/ARES (2013) 2994414s

Per e-mail:

ask+request-624-
800f8a2b@asktheeu.org

Subject: Your request for access to the documents –ref. GESTDEM 2013-3527

Dear Madam,

We refer to your email of 3 July 2013, in which, pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹, you introduced an application for access to documents.

In concrete terms, you are asking access to

- all communication between Vice-President V. Reding or her staff and Eric Holder and his staff on PRISM and related NSA surveillance programs;
- all communication between Vice-President Reding or her staff and Eric Holder and his staff with regard to the planned the expert group that will investigate Prism - such as the letter by Eric Holder to Viviane Reding and her requests for clarification mentioned in the Euractiv article published on 3 July: <http://www.euractiv.com/justice/meps-set-inquiry-group-wiretappi-news-529048>
- all communication between Vice-President Reding or her staff and Eric Holder and his staff with regard to the composition of this expert group.

I also refer to the waiting reply sent to you on 24 July 2013.

Following your request, the following documents have been retrieved from the European Commission's digital registers that fall within your request:

1. Letter from Vice-President Reding to Attorney General Holder of 10 June 2013 (doc. Ref. ARES(2013)1935546)
2. Letters from Vice-President Reding and Commissioner Malmström to Attorney General Holder and letter from Vice-President Reding and Commissioner Malmström to the

¹ OJ L145, 31.05.2001, p.43.

Secretary of Department of Homeland Security Napolitano, both of 19 June 2013 (both registered under doc. Ref. ARES(2013)2309322)

3. Email from Ambassador Kennard to Vice-President Reding of 2 July 2013 with enclosure of the Letter from Attorney General Holder to Vice-President Reding and Commissioner Malmström of 1 July 2013 (doc. Ref. ARES(2013)2557726)

4. Letter from Attorney General Holder to Vice-President Reding and Commissioner Malmström of 3 July 2013 (doc. Ref. ARES(2013)2575877).

After having analyzed the list of documents in the light of Regulation (EC) No 1049/2001, I have come to the conclusion that the documents mentioned under points 1 and 2 can be disclosed.

As regards the documents listed in points 3 and 4 it should be noted that they originate from third parties (namely the US Mission to the EU and US authorities) who are currently being consulted on such disclosure.

Therefore, on this part of your request, we have to extend the time limit with 15 working days from the data of this letter in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents.

Please note that the granted documents cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Yours faithfully,



Marie-Hélène BOULANGER

Enclosures

1. Letter from Vice-President Reding to Attorney General Holder of 10 June 2013 (doc. Ref. ARES(2013)1935546)

2. Letters from Vice-President Reding and Commissioner Malmström to Attorney General Holder and letter from Vice-President Reding and Commissioner Malmström to the Secretary of Department of Homeland Security Napolitano, both of 19 June 2013 (both registered under doc. Ref. ARES(2013)2309322)