



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

The Director-General

Brussels,  
DG CONNECT/RM/AS/sg

Mr. Bekas

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**Subject: Your application for access to documents – Ref GestDem No 2013/3823 under Regulation 1049/2011 regarding public access to European Parliament, Council and Commission documents – partial reply**

Dear Sir,

We refer to your email dated 4 July 2013 wherein you make a request for access to documents, registered by us on 18 July 2013 with the above-mentioned reference number.

For the sake of clarity we reply according to the numbering in your email:

**14. Regarding the practice of DG CONNECT (former INFISO) to check for "double booking" of a researcher's time in two distinct contractors-beneficiaries (two or more distinct external financial audits) and divulging of such "double booking" to at least one of them in order to rely on it to conclude about the "unreliability of the time recording system" of the contractor-beneficiary (e.g. DG CONNECT (former INFISO) final audit report dispatched as annex to the letter Ares(2013)73917-22/01/2013, the documents setting out the Commission's policy with respect to such practices in the personal data processing by the Research family DGs. Ostensibly, the "double booking" disclosure is justified by the Commission services on the grounds of "protecting the Commission's financial interest", even though it is not immediately obvious (i) which contractual provision has been breached by the wholly uninformed and unsuspecting two contractors-beneficiaries, (ii) which provision of Union law has been infringed by either the wholly uninformed and unsuspecting two contractors-beneficiaries or even the "double booker", (iii) whether such "double booking" disclosure is compliance with Article 339 TFEU and Article 7(2) of Regulation No 45/2001.**

We regret to inform you that no document(s) were found that correspond to the description given in your application. We are, therefore, unable to handle your application.

17. Referring to the Commission-organised conference on 13/10/2009 " Finding the frontier for internal audit", the presentation entitled "The EU Model", slide 13 ""Pluto" is an intelligence database storing all information about the 15,000 beneficiaries and 5,000 researcher projects funded by DG CONNECT (former INFISO). Pluto allows for a visual analysis of relationships between the various entities it contains (beneficiaries, projects, persons, addresses, telephones). With this analysis, risky areas of the contractual environment are identified facilitating the auditing and investigative work. At the end of the day, it will still be the job of auditors and investigators to demonstrate the fraud, but their task is made easier as far as locating the possible whereabouts is concerned", the documents setting out the Commission's policy with respect to the compliance of the DG CONNECT (former INFISO) Pluto "system" with the Union law governing personal data processing by Institutions.

We regret to inform you that no document(s) were found that correspond to the description given in your application. We are, therefore, unable to handle your application.

However, please be aware that Pluto is a part of the audit capability of DG CONNECT (former INFISO) and it simply allowed new storing methods of data already existing within DG CONNECT (former INFISO). The use of the tool is limited to DG CONNECT (former INFISO) and does not extend to the whole European Commission. Pluto does not contain personal data obtained from other Directorates-General. Therefore, Pluto's existence did not require a compliance check by the Commission, on top of any check undertaken by DG CONNECT (former INFISO).

We would like further to draw your attention to the fact that Pluto does not fall outside the scope of external auditing. Hence, Pluto falls under the existing notification of external auditing ("DPO-3338, DG CONNECT (former INFISO) External Audit and Control); thus it is compliant with Regulation 45/2001 by virtue of the notification for external auditing purposes.

Please be informed that you will receive an answer to the remaining requests from DG RTD and OLAF.

Please note that in accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review the position above.

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](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Roberto Viola  
for Robert Madelin

