



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate E - Single Market & Connectivity
The Director

Brussels
SG.E1/

Mr Peter Teffer

EUobserver
Rue Montoyer 18B
1000 Brussels
Belgium
e-mail: ask+request-6353-
a2a3ed47@asktheeu.org

Subject: Your application for access to documents: Ref. GestDem N° 2019/595

Dear Mr Teffer,

You have received an email from SG ACCES DOCUMENTS (sg-acc-doc@ec.europa.eu) to the email address ask+request-6353-a2a3ed47@asktheeu.org on 31 January 2019, informing you about the receipt of your request, as well as its registration under the Ref. GestDem N° 2019/595.

1. SCOPE OF YOUR REQUEST

You requested access to the following documents:

"[...]"

- All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 23 January 2019 meeting between Andrus Ansip and Andrea Jelinek, EDPB

- All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 28 January 2019 meeting between Andrus Ansip and Nick Clegg, Facebook's Vice-President, Global Affairs and Communications

- All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the 29 January 2019 meeting between Andrus Ansip and Ingka holding

"[...]"

1. DISCLOSURE OF DOCUMENTS

We have identified the following documents which we can disclose to you, with the exception of certain personal details they contain:

	Registration N°.	Registration Date	Subject/Title
1.	ARES(2019)1571168	23/01/2019	Vice-President Ansip meeting with Ms Andrea Jelinek, Chair of the European Data Protection Board (EDPB)
2.	ARES(2019)744918	28/012019	Meeting between Vice-President Ansip with Nick Clegg and other representatives of Facebook
3.	ARES(2019)1571225	29/01/2019	Vice-President Ansip meeting with Jesper Brodin, CEO of Ingka Holding B.V. (IKEA Group)

For the personal data, Article 4(1)(b) of Regulation (EC) No 1049/2001 provides that 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 European Union legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('Regulation 2018/1725').

Article 9(1)(b) of Regulation 2018/1725 foresees that 'personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if 'the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'.

According to Article 9(1)(b) of Regulation 2018/1725, it is only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest, that the European Commission has to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced and, if that is the case, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

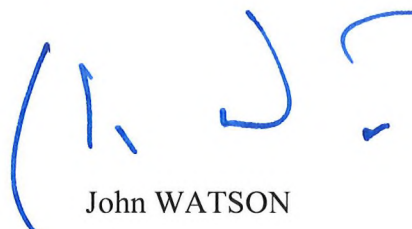
As you have not put forward any arguments to establish the necessity to have the personal data transmitted for a specific purpose in the public interest, the European Commission has not examined whether there is a reason to assume that the data subject's legitimate interests might be prejudiced. Nevertheless, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of this personal data, as there is a real and non-hypothetical risk that disclosure would harm their privacy and subject them to unsolicited external contacts.

On this basis I have concluded that, pursuant to Article 4(1)(b) of Regulation 1049/2001, not to include access to the personal data with the rest of the documents. If you disagree with this assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days of receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Bruxelles,
Or,
by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



John WATSON