



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

Directorate J - Common Support Centre  
**J.1 - Common Legal support service**  
Head of Unit

Brussels,  
RS/JVC/VK  
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*By registered letter with acknowledgment  
of receipt*

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**Subject: Your application for access to documents – GestDem Ref No 2019/1121**

Dear Ms Martí,

We refer to your e-mail dated 02/02/2019 in which you submitted, within the framework of Regulation (EC) 1049/2001<sup>1</sup>, an application for access to documents. As already explained in the acknowledgement of receipt with reference number Ares(2019)1306452, your e-mail unfortunately went to the 'Junk E-mail' folder and was therefore registered only on 26/02/2019. Again, we apologise sincerely for this inconvenience.

You requested access to the following documents:

- 1) all the agendas/ minutes/ notes/ documents/ presentations/ videos (and any other information) produced and exchanged in the meeting between Commissioner Carlos Moedas and the European Jewish Congress, on May 2, 2016.*
- 2) a list of all the people present at the meeting and their roles.*

We have identified four documents falling under the scope of your request (hereinafter the 'requested documents'), namely, with regard to the first point of your request, three sets of e-mail exchanges and one briefing document prepared for the Commissioner. Unfortunately, no document corresponding to the second point of your request has been found.

Concerning the documents that were identified as falling under the scope of your request, we are pleased to inform you that partial access can be granted to all of them. We have expunged information which disclosure is prevented by Article 4(1)(b) of Regulation (EC) No 1049/2001, namely the protection of privacy and the integrity of the individual.

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

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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 (EU) 2018/1725<sup>2</sup> on the protection of personal data processed by EU institutions (hereinafter ‘Regulation 2018/1725’).

All the requested documents contain personal data such as names, surnames, telephone numbers, e-mail addresses, office numbers of certain members of the staff of the Commission and of third parties, as well as a biography of a third party. This information clearly constitutes personal data in the meaning of Article 3(1) of Regulation (EU) 2018/1725.

According to Article 9.1(b) of Regulation (EU) 2018/1725, personal data shall only be transferred to a recipient in the EU/EEA 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.*

Those two conditions are cumulative. In the present case, you have not put forward any arguments to substantiate a need to have these personal data transmitted for a specific purpose in the public interest. Furthermore, it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

Therefore, personal data have been withheld from the requested documents, except the name of individuals forming part of senior management staff of the Commission.

You may reuse the documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

In accordance with Article 7(2) of Regulation (EC) 1049/2001, you are entitled 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**

**Unit SG C.1 – Transparency, document management & access to documents**

**BERL 7/076**

**B-1049 Brussels**

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Reinhard Schulte

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<sup>2</sup> Regulation (EU) 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<sup>2</sup>.