



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate F - Citizens, Migration & Security Union  
SG.F.I-Citizens' and Consumers' Rights and Rule of Law

Brussels,  
SG/FI/NM/jp/

**21 MAI 2019**

Mr Diego Cayota

Email :

[ask+request-6865-9600b3ed@asktheeu.org](mailto:ask+request-6865-9600b3ed@asktheeu.org)

Dear Mr Cayota

**Subject: Your application for access to documents – Ref GestDem No 2019/2594**

We refer to your e-mail dated 30/04/2019 in which you make a request for access to documents. This request was registered on 02/05/2019 under the above-mentioned reference number.

You request access to all the correspondence between special envoy Jan Figel and President Juncker as well as Vice-president Timmermans from 2015. We consider your request to cover documents held up to the date of your initial application, i.e. 30/04/2019.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, part of your request has been attributed to the Directorate-General for International Cooperation and Development (DG DEVCO, Ref GestDem No 2019/2595). This reply relates only to the documents held by the Secretariat-General. You will receive the reply from DG DEVCO in due course.

Your application concerns the following documents:

1. Ares(2016)5794089 of 06/10/2016, 2 documents, Letter from Special Envoy Jan Figel to President Juncker on Meeting with a delegation of Patriarchs from Syria;
2. Ares(2018)6369303 of 11/12/2018, Email from Special Envoy Jan Figel to President Juncker on UDHR and Declaration on Human Dignity; and
3. Ares(2019)238465 of 16/01/2019, Email from Special Envoy Jan Figel to President Juncker requesting appointment.

Please note that – with the exception of the letter in Annex 1 – 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.

Please note that the letter in Annex 1 was received by the Commission from the major figures of the Middle Eastern Churches. It is disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. It does not reflect the position of the Commission and cannot be quoted as such.

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 European Union legislation regarding the protection of personal data.

Indeed, Article 3(1) of Regulation 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person [...]’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data.<sup>1</sup>

The documents to which you request access contain personal data, in particular names of Commission staff.

Please note in this respect that the names, signatures, functions, telephone numbers and/or initials pertaining to staff members of an institution are to be considered personal data.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if ‘[t]he 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’.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission has to examine the further conditions for a lawful processing of personal data 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. It is only in this case 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, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced.

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<sup>1</sup> Judgment of the Court of Justice of the European Union of 20 December 2017 in Case C-434/16, *Peter Nowak v Data Protection Commissioner*, request for a preliminary ruling, paragraphs 33-35, [ECLI:EU:C:2017:994](#).

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

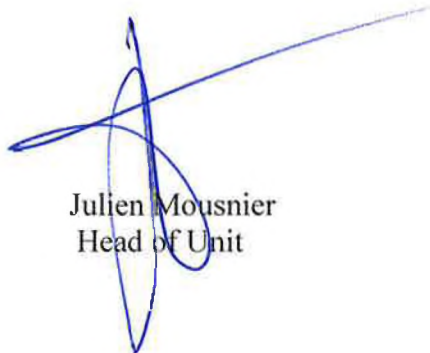
As to the handwritten signatures, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

In case you would disagree with the 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 (EC) No 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 upon 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](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Julien Mousnier  
Head of Unit

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