



**EUROPEAN COMMISSION**  
Service for Foreign Policy Instruments

Director - Head of Service

***By registered letter with  
acknowledgment of receipt***

Mr Michael Grange  
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Dear Mr Grange,

**Subject: Your application for access to documents – Ref GestDem No 2019/2823**

We refer to your application dated 10/05/2019 in which you make a request for access to documents, registered on 15/05/2019 under the above-mentioned reference number.

Your application concerns material concerning the establishment of the call for applicants, the conduct of the competition and the appeals including briefing materials provided for/at EU Focus Point meetings.

The Service of Foreign Policy Instruments of the European Commission has identified the following documents as concerned by your request:

1. Call for Candidatures Observers EOM Senegal
2. Call for Candidatures Observers EOM Nigeria
3. Call for Candidatures Observers EOM Madagascar
4. Call for Candidatures Observers EOM Malawi
5. EU guidelines on criteria for selection of observers
6. The minutes of the Focal Points meeting in Brussels, December 2018.

Having examined the documents requested under the provisions of Regulation (CE) No. 1049/2001<sup>1</sup>, we inform you that the documents n° 1 to n° 5 may be fully disclosed.

Document n° 6 (minutes of the Focal Points meeting from December 2018) which has been produced by Election Observation and Democracy Support Programme (EODS) and is of no Commission origin, may be partially disclosed.

In particular, on page 3, two sentences have been redacted as, in conformity with Article 4 (1) (a), third indent of Regulation (EC) 1049/2001, their disclosure might undermine the protection of the public interest as regards international relations of the EU for the following reasons:

Disclosure might enable third parties to obtain knowledge on how far the Union is willing to go with its political choices and measures supporting election observation processes, in the context of the Union international relations with third countries.

Moreover, disclosure of this part might subsequently reduce the Union's margin of manoeuvre for the implementation of the election observation missions and thus be detrimental to the efficiency of its intended election observation support.

On page 4, the last bullet point has been partially redacted as well since it concerns a specific person and thus constitutes personal data. Disclosure of such information would compromise the protection of privacy and integrity of the individual concerned who is a mission member in this case.

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. The applicable legislation in this field is Regulation 2018/1725.<sup>2</sup> Article 3(1) of this Regulation 2018/1725 provides that personal data “means any information relating to an identified or identifiable natural person (...)”.<sup>3</sup>

Pursuant to Article 9(1)(b) of this Regulation ‘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’.

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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 (Official Journal, L 145/43 of 31.5.2001).

<sup>2</sup> Regulation 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. (Official Journal L 295/39 of 21.11.2018).

<sup>3</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](#). 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.

We consider that the necessity of disclosing the above personal data to the applicant in the public interest has not been established based on the information available. Moreover, we have reasons to assume that the privacy and integrity of the person concerned would be prejudiced by disclosure of the personal data available in the document.

In accordance with Article 7(2) of Regulation 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  
Transparency unit SG-C-1.  
BERL 07/243  
B-1049 Brussels  
or by email to: [sg-xxxxxxx@xx.xxxxxx.xx](mailto:sg-xxxxxxx@xx.xxxxxx.xx)

Yours faithfully,

Hilde Hardeman