



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID
OPERATIONS (ECHO)

General Affairs
Contracts and Finance

Brussels
ECHO.E.3/JS

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

Mr Teffer Peter
Ekko Voorkamer Bemuurde Weerd
WZ 3
3513 BH Utrecht
The Netherlands

e-mail: [ask+request-7662-
7ea09366@asktheeu.org](mailto:ask+request-7662-7ea09366@asktheeu.org)

Subject: Your application for access to documents – Ref GestDem No 2020/0860

Dear Mr. Teffer,

We refer to your e-mail dated 12/02/2020 in which you make a request for access to documents, registered on 13/02/2020 under the above mentioned reference number.

In a letter registered as Ref. Ares(2020)939183 Secretariat General (SG) informed you that the request has been divided into six parts (registered separately as GestDem 2020/0856, 2020/0858, 2020/0859, 2020/0860, 2020/0861 and 2020/0862.). The reply at hand relates only to the documents held by DG for European Civil Protection and Humanitarian Aid Operations (DG ECHO), registered as Gestdem 2020/0860. You will receive the replies from the other respective Directorates-General in due course.

Your request concerns documents related to the Commission cabinet member of Commissioner Janez Lenarčič with EUROGAS asbl on 29/01/2020. We identified the following documents which fall under the scope of your request:

1. Eurogas letter – Meeting request to discuss the role of gas in the energy transition and the Green Deal – addressed to Commissioner Lenarčič, dated 11/12/2019. Ares(2019)7688439
2. email to Eurogas, offering a meeting with the Deputy Head of Cabinet, dated 20/12/2019.

3. email by the Deputy Head of Cabinet to debrief the meeting with Eurogas representatives on European Green Deal, dated 29/01/2020
4. email follow up to the meeting by Eurogas to the Deputy Head of Cabinet, dated 06/02/2019 Ares(2020)787127
5. email by Eurogas with one attachment (Support for a Clean Hydrogen Strategy), dated 03/02/2020

With regard to the all requested documents listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001¹, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person.

Pursuant to Article 4(1)b of Regulation (EC) 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 (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 ('Regulation 2018/1725').

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. 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. In its judgment in Case C-28/08 P (Bavarian Lager), the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data Protection Regulation becomes fully applicable.

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'*'.

¹ 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, OJ L 295, 21.11.2018, p. 39.

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.

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.

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 blue ink signatures on one document and one attachment to a document, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

Therefore, parts of the documents containing personal data were redacted as they fall under the exception of protection of privacy and integrity of an individual as foreseen by Article 4(1)(b) of Regulation (EC) 1049/2001.

Moreover, please note that these documents were drawn up for internal use under the responsibility of the relevant officials of the DG for European Civil Protection and Humanitarian Aid Operations. It solely reflects the author's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

Furthermore, three of the documents stem from third parties (Eurogas). With regard to these documents, the Commission consulted their author on the disclosure pursuant to Article 4(4) of Regulation 1049/2001. The author agreed to their disclosure. Please find attached the redacted documents. Please note that these documents do not reflect the position of the Commission and cannot be quoted as such. Please further note that these documents were received by the Commission from Eurogas. 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.

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, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Jan Sempels
Head of Unit