



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate A - Policy coordination
A.4 - Legal Issues & Enforcement

Brussels
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Rebecca Vaughan
ask+request-7787-84e1c546@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2020/4236

Dear Ms Rebecca Vaughan,

We refer to your e-mail dated 13/03/2020 in which you make a request for access to “*All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, and minutes/notes) relating to the meetings listed below:*

- 1. Between Filip Alexandru Negreanu Arboreanu, Cabinet member of Adina Vălean and Brunswick Group LLP on 11th February 2020*
- 2. Between Roxana Lesovici, Cabinet member of Adina Vălean and Törkel Consulting GmbH on 5th February 2020”.*

Please find enclosed the documents requested that have been identified as corresponding to your request.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ (hereinafter ‘Regulation (EC) No 1049/2001’), I have come to the conclusion that they may be partially disclosed. Some parts of the documents have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4 of the Regulation (EC) 1049/2001.

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 (EC) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with

¹ Official Journal L 145, 31.05.2001, p. 43.

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/EC² ('Regulation 2018/1725').

Some parts of the documents to which you request access contain personal data, in particular names, contact details (email, telephone number), online identifier/initials of individuals.

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.

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 and subject them to unsolicited external contacts.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation 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.

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 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

² Official Journal L 205 of 21.11.2018, p. 39.

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

Yours faithfully,

/e-signed/

Barbara Jankovec

Head of Unit

Enclosed:

1. Email exchange regarding the meeting between Roxana Lesovici, Cabinet member of Adina Vălean and Törkel Consulting GmbH on 5th February 2020
2. Meeting Report with German Pilot Association, 5 February 2020
3. Email exchange regarding the meeting with Between Filip Alexandru Negreanu Arboreanu, Cabinet member of Adina Vălean and Brunswick Group LLP on 11th February 2020