



EUROPEAN COMMISSION  
NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS

R - Resources  
R.2 - Legal Issues

Brussels  
NEAR.R.2/CK

**Subject: Your application for access to documents – Ref. GestDem 2020/2855**

Dear Ms De Biasio,

I refer to your application dated 11 May 2020<sup>1</sup>, registered on 14 May 2020 under the above-mentioned reference number<sup>2</sup>, in which you make a request for access to:

‘documents in relation to the implementation of the project “Support to Integrated border and migration management in Libya - Second phase (T05-EUTF-NOA-LY-07)” I request to have access to: - The timeline of the following project (official start and end date of implementation) - Documents concerning the negotiation process with the Italian MoI, ICMDP and IOM -Documents regarding the state of implementation of the project.’

I also refer to our emails of 9 and 30 June 2020<sup>3</sup>, by which we informed you that an extended time limit was needed for the purpose of internal and external consultations regarding your request.

Your application concerns 34 documents, which you can find listed in Annex ‘List of documents’.

Please note that your application relates to documents concerning a very specific topic, namely, information on ‘integrated border and migration management in Libya action’, in so far as it is financed through the EU Trust Fund for Africa - North of Africa window. Your application relates therefore to a narrow, specific issue. Furthermore, in practice, as far as Libya is concerned, the above-mentioned action focuses fully on the issue of border management, rather than migration, as the title of the action might suggest.

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<sup>1</sup> Ref. Ares(2020)2545503.

<sup>2</sup> Ref. Ares(2020)2545660.

<sup>3</sup> Ref. Ares(2020)2987826 and (2020)3731157 respectively.

Ms Sabrina De Biasio  
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By email only:  
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The documents identified contain information about the subject matter mentioned in your application. Nonetheless, most documents also include information unrelated to the subject matter of your request. This irrelevant information has been redacted as falling outside the scope of your application.

Document 1 is publicly available<sup>4</sup>. For your convenience, it is also annexed to the present letter.

As regards the remaining documents, having examined them under the provisions of Regulation (EC) No 1049/2001<sup>5</sup> and taking into account the opinion of third parties concerned, I have decided that:

- Full access can be granted to document 2;
- Partial access can be granted to documents 3-34, as full disclosure is prevented by the exception to the right of access laid down in Article 4(1)(b) (protection of the privacy and integrity of the individual) of Regulation (EC) No 1049/2001.

Complete disclosure of the 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 1049/2001. In particular, these documents contain the names and CVs of individuals.

Article 9(1)(b) of the Data Protection Regulation<sup>6</sup> does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data, nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, 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.

## **Means of Redress**

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review its 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:

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<sup>4</sup> <https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly-07.pdf>.

<sup>5</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 of 31 May 2001, p. 43.

<sup>6</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, OJ L 295, 21.11.2018, p. 39.

European Commission  
Secretariat-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 faithfully,

(e-signed)

Christos KOMNINOS  
Head of Unit

Enclosures:       List of documents  
                      Documents 1-34