



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION

Legal Affairs, Inter-Institutional Relations & Communication

Brussels

Rachel Cox
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Subject: Your application for access to documents – Ref GestDem No 2021/3224

Dear Ms Cox,

We refer to your e-mail dated 17 May 2021 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You requested access to: *“All documents—including but not limited to correspondence, emails, minutes (hand written or electronic), notes (hand written or electronic), meeting conclusions, audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 17th February 2020 between Lukas Visek (Cabinet of Frans Timmermans) and Nestlé S.A.”*

DG CLIMA has identified two documents within the scope of your application.

	Author	Date	Reference
1	European Commission	9 December 2020	Ares(2020)7462668
2	European Commission/Nestle	7 February 2020	Ares(2020)7143534

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001, I regret to inform you that a complete disclosure of document 1 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, because it contains: names

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

Article 9(1)(b) of the Data Protection Regulation 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 document 1, 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 this position, 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 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

Luca DE CARLI