



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

The Director-General

Brussels, 16 September 2024
CNECT.R.4.001/RV

Mr Felix DUFFY
LobbyControl
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Am Justizzentrum 7
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By email:

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04f9ba34@asktheeu.org](mailto:ask+request-14771-04f9ba34@asktheeu.org)

Subject: Your application for access to documents – EASE 2024/3807

Dear Sir,

We refer to your request for access to documents pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereinafter ‘Regulation 1049/2001’), registered on 15 July 2024 under the abovementioned reference number. We also refer to our holding reply, dated 13 August 2024, our reference Ares(2024)5826300, whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

We apologise for the delay in our reply.

1. SCOPE OF THE APPLICATION

Your application reads as follows:

‘[...]Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

All documents—including but not limited to correspondence, emails, minutes, notes (hand written or electronic), audio or video recordings, verbatim reports, operational conclusions, lines to take, briefings, and presentations—related to the meeting on 2022-06-28 between Thierry Breton and Google. [...]''.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE APPLICATION

We have identified the following documents as falling within the scope of the request:

- Feedback on general purpose of AI systems, attachment to the email of 11 July, Ares(2022)5217601, (**‘Document 1’**)
- Email exchanges between 20 May 2022 and 8 June 2022 in relation to the meeting request with Google on AI, Ares(2022)3826892, (**‘Document 2’**);
- Back to Office Report, Meeting with Google on the AI Act, 28 June 2022, Ares(2022)4926542, (**‘Document 3’**)
- Email, Thank you and follow up from Google, dated 11 July 2022, Ares(2022) 5217601, (**‘Document 4’**);

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified documents under the provisions of Regulation 1049/2001, we have arrived at the conclusion that full access can be granted to one document and partial access can be granted to the remaining documents as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001. Other parts have been blanked out as being outside the scope of the request.

A. Full disclosure

Document 1 is being fully disclosed.

B. Partial disclosure

(i) Protection of privacy and integrity of individuals

Full disclosure of Documents 2-4 is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since they contain the following personal data:

- Names and contact information of Commission staff members not pertaining to the senior management;
- Names, functions and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation¹ 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

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.

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) Regulation 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.

(ii) Protection of commercial interests

Article 4(2) first indent of Regulation 1049/2001 provides that the institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure.

This provision must be interpreted in light of Article 339 of the Treaty of the Functioning of the European Union (TFEU), which requires staff members of the EU institutions to refrain from disclosing information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

Part of Document 4 is covered by the abovementioned exception. Please note that this document originates from a third party that has been consulted. The originator has objected to the disclosure of this part of the document as it contains information relating to the concerned third party's activities, positions and other commercial interests, including intellectual property. There is a real and non-hypothetical risk that disclosure of this part of the document would undermine and seriously affect the commercial interests of the company concerned.

Consequently, the above-mentioned part of Document 4 has been blanked out.

4. OVERRIDING PUBLIC INTEREST IN DISCLOSURE

The exceptions laid down in Article 4(2) of Regulation 1049/2001 apply, unless there is an overriding public interest in the disclosure of documents. Such an interest must, firstly, be a public interest and, secondly, outweigh the harm caused by disclosure. We have examined whether there could be an overriding public interest in the disclosure of the part of the document which is being withheld but we have not been able to identify such an interest.

5. REUSE OF DOCUMENTS

You may reuse public documents which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of the Commission documents](#). You may reuse Document 3 and the part of Document 2 originating from the Commission free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that Document 3 was drawn up for internal use under the responsibility of the relevant services of the Commission. It solely reflects the services' interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which were not consulted on their content. It does not reflect the position of the Commission and cannot be quoted as such.

Document 1, Document 4 and parts of Document 2 originate from third parties. Please note that they are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originators, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

6. CONFIRMATORY APPLICATION

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 confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission. You can submit it in one of the following ways:

by asking for a review via your portal² account (available only for initial requests submitted via the portal account),

or by mail:

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,

Electronically signed

Roberto Viola

Enclosures: (5)

² <https://www.ec.europa.eu/transparency/documents-request>