



EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Director General

Brussels, 18. 12. 2017
DIGIT/A/3/SdP digit.a.3.

Polina Malaja
Free Software Foundation Europe
Schönhauser Allee 6/7
10119 Berlin
Germany

Advance copy by e-mail
ask+request-4743-
f5f5a7ef@asktheeu.org

Subject: Your applications for access to documents

Ref.: GestDem 2017/6717 - RE: access to documents request - Documents about WP4 "Full inventory of Open Source Software used in the European Commission and the European Parliament"

Dear Madam,

We refer to the request for document listed in reference and to your email of 14 December 2017 answering our emails of 12 and 14 December 2017.

1. EXCHANGE BETWEEN THE APPLICANT AND DG DIGIT

- Following your initial request GestDem 2017/6717, my services sent you on 24 November 2017 a letter that:
 1. Extended the deadline to answer your request until 19 December 2017;
 2. Granted you a full access to the following documents:
 - Document 1: ABC technical annex WP3-5.docx
 - Document 2 (and 12): ABC technical annex WP3-5.pdf
 - Document 5: EP Pilot Project 645 - FOSSA WP3-5 – Deletion of confidential information (redacted)
 - Document 25: DLV7 - WP4 Executive Summary

- Document 26: DLV7 - WP4 Presentation
 - Document 27: DLV7 - WP4 Flyer leaflet version
3. Granted you partial access, redaction being necessary as the document contained personal data, to the following document:
- Document 5: EP Pilot Project 645 - FOSSA WP3-5 – Deletion of confidential information (redacted)
4. Proposed a fair solution, in accordance with article 6(3) of Regulation 1049/2001, asking *"you to specify the objective of your request and your specific interest in the documents requested, and whether you could narrow down the scope of your request (i.e. the subject matter(s) and/or timeframe covered), so as to reduce it to a more manageable amount of documents."*
- In an email dated 30 November 2017, you specified your request and asked the Commission *"to prioritise the following documents when processing my request for access to documents of 27 October 2017:*

DLV6 - Software Inventory
DLV6 - Annex 1 - Inventory Summary
DLV6 - Annex 2 - list of all software with instances
DLV6 - Annex 3 - List of OSS with instances
DLV6 - Annex 4 - OSS by system type
DLV6 - Annex 5 - Proprietary software by system type
DLV6 - Annex 6 - OSS by Software Type
DLV6 - Annex 7 - List of critical OSS with rating
DLV6 - Annex 8 - Software dependencies
DLV6 - Annex 9 - Elaborations on raw inventory data

And *"to prioritise publication of the aforementioned documents as soon as possible."*

- Following your email, a phone conversation, between the President of the FSFE and myself, took place on 12 December. During this phone conversation, I formulated a proposal that was sent to you in writing that same day, namely:

"we proposed, rather than releasing the documents according to Regulation 1049/2001, to create a new, self-reading version of the documents that we undertake to publish by the end of January. This publication would be done outside of the scope of the Regulation, as the Regulation does not allow any extension of deadlines and has very strict rules as for how the redaction of information should be done.

Therefore, we would ask you to temporarily withdraw your request (except for the documents that have already been provided to you) to give us the flexibility to publish the documents in the scope of the WP04 in a readable format by the end of January."

- In an email of 14 December 2017, you confirmed in writing your acceptance of DIGIT's proposal, stating:

"Thank you for your response and a proposition to publish the documents in the scope of the WP04 in a readable format by the end of January 2018.

We would like to accept this offer and therefore, we are temporarily withdrawing our request (except for the documents that have already been provided to us) for access to documents (GestDem 2017/6717) in order to enable the publication of the deliverables of WP04 as soon as possible and latest by the end of January 2018."

2. WITHDRAWAL OF YOUR REQUEST

We acknowledge receipt of your decision to withdraw your request GestDem 2017/6717 (except for the documents that have already been provided to you).

Your request (GestDem 2017/6717) will be closed accordingly.

3. PUBLICATION OF THE DELIVERABLE 6

As indicated in the email of 12 December 2017, DG DIGIT will create a new, self-reading version of the main deliverable 6 and its annexes in the scope of WP4.

DG DIGIT commits to publish this version by the end of January.

As for the other work packages, the publication will take place on JoinUp.

4. FINAL DISPOSITION

Please note that, for document 5, to which a partial access has been granted, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, 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:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

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

Yours faithfully,



Gertrud INGESTAD

