



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL
MARKETS UNION

General Affairs

Policy planning and implementation, inter-institutional relations

Brussels,

Mr Maximilian HENNING
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Subject: Your application for access to documents – EASE 2023/3440

Dear Mr Henning,

We refer to your request for access to European Commission documents registered on 16 June 2023 under the above-mentioned reference number.

You requested:

All minutes, agendas, summaries, notes or memos issued before or after; documents prepared for, issued in preparation for, or exchanged during; as well as all correspondence including attachments by either of the meeting parties related to 27.04.2023 meeting between Asociación Española de Banca, Banco Santander, S.A., BANCO BILBAO VIZCAYA ARGENTARIA and Cabinet members of Commissioner McGuinness.

We have identified two documents that fall in the scope of your request:

1. ARES(2023)3185338 - Meeting request;
2. ARES(2023)3185416 – Minutes of the meeting.

The document number 1 originates from third parties. The originators of the document have been consulted in accordance with Article 4(4) of Regulation 1049/2001 with a view to assessing whether an exception provided for in Article 4 of that Regulation is applicable. They agree to disclose the document with redaction of personal data and any other information that can allow the identification of data subjects.

Furthermore, please consider that the minutes identified as document number 2 were drawn up for internal use under the responsibility of the relevant member of staff. The minutes solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties, to which the documents refer, who were not consulted on their content. The minutes do not reflect the position of the Commission and cannot be quoted as such.

For both documents listed above, a complete disclosure 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 they contain personal data.

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 any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that pursuant to the combined provision of the Articles and Regulations quoted above, access cannot be granted to the personal data contained in the requested documents.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. 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 e-mail to: sg-acc-doc@ec.europa.eu

Yours sincerely

Electronically signed
Head of Unit

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.

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