



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

The Director-General

Brussels
JUST.H.1.001/

Margarida DA SILVA
ask+request-12945-3149c453@asktheeu.org

Subject: Your application for access to documents 2023/2610

Dear Ms. DA SILVA,

I refer to your request for access to European Commission documents registered on 4 May 2023 under the above-mentioned reference number.

You request access to :

“documents which contain the following information:

- minutes and any other reports of meetings held by DG JUST and OpenAI
- all correspondence (i.e. any emails, correspondence or telephone call notes) between DG JUST and Open AI.”

In your reply to our clarification request of 4 May 2023, you have specified that you were “interested in documents drawn up since January 2021”.

The following document falls within the scope of your application:

- Request CAB REYNDERS/1384 - Bilderberg - Visit Washington 04/06/2022

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents ⁽¹⁾, I have come to the conclusion that document may be **partially disclosed**.

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 it contains the following personal data :

- the name of a Commission staff member not pertaining to the senior management

⁽¹⁾ 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, OJ L 145, 31.05.2001, p. 43 - 48.

- the names of other natural persons
- other information relating to an identified or identifiable natural person (curriculum vitae)

Article 9(1)(b) of the Data Protection Regulation ⁽²⁾ 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 document.

In addition, some parts of the document have been blanked out as their disclosure is prevented by an exception to the right of access laid down in Article 4(3) first subparagraph of this Regulation.

According Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001:

“Access to a document, drawn up by an institution for internal use [...], which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution’s decision-making process, unless there is an overriding public interest in disclosure.”

The redacted parts of the document relate to the Commission’s legislative proposals on political advertising, on artificial intelligence, and on strategic lawsuits against public participation (so-called “SLAPP”). The legislative processes pertaining to the adoption of these acts are still pending: they will have to be negotiated and adopted by the European Parliament and the Council before they can become EU law. More specifically, the trilogue negotiations with the co-legislators are either ongoing or haven’t started yet. The proposals are therefore part of an ongoing interinstitutional decision-making process where no formal agreement has been reached yet. Disclosure of the redacted parts of the document at this stage would reveal internal views and policy considerations in relation to the adoption of highly sensitive pieces of legislation which would undermine this inter-institutional decision-making process.

The exception laid down in 4(3), first subparagraph of Regulation (EC) No 1049/2001 applies unless there is an overriding public interest in disclosure of the document.

In your application, you do not put forward any reasoning pointing to an overriding public interest in disclosing the document requested, and I have not been able to identify any

⁽²⁾ 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.

public interest capable of overriding the public interests protected by Article 4(3) of Regulation (EC) No 1049/2001 either.

Please note that this document is an internal document, which does not reflect the position of the Commission and cannot be quoted as such.

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 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 portal 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,

Ana GALLEGO

Enclosure: Request CAB REYNDERS/1384 - Bilderberg - Visit Washington