



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate B  
Director

Brussels,  
SG.B.4

Ms Vicky Cann  
Corporate Europe Observatory

*Sent by email only:*  
[ask+request-1102-69bfcae5@asktheeu.org](mailto:ask+request-1102-69bfcae5@asktheeu.org)

**Subject: Your request for access to documents under Regulation (EC) no. 1049/2001 – GestDem 2014/0007-0008**

Dear Ms Cann,

I refer to your e-mail dated December 18, 2013, by which, pursuant to Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>, you request:

- *all correspondence received and sent (including emails) and meeting minutes between the Secretariat General and external groups on the topic of the 2013 review of Transparency Register*
- *all correspondence received and sent (including emails) and meeting minutes between Commissioner Šefčovič and / or members of his Cabinet with external groups on the topic of the 2013 review of Transparency Register*

This request was registered on 3 January 2014 under reference numbers GestDem 2014/0007-0008.

On 8 April we already sent you a first batch of documents relating to your request. Please find enclosed a second batch of the documents, or elements of documents, which we identified as matching the scope of your request.

Please be reminded that these documents cannot be reproduced or disseminated for commercial purposes unless the Commission has first been consulted.

Please note that the documents are partially disclosed pursuant to Article 4(6) of Regulation 1049/2001. Email addresses and the telephone numbers of (external) natural persons are redacted.

These data undoubtedly constitute personal data in the meaning of Article 2(A) of Regulation 45/2001 which is the applicable legislation as regards the protection of personal data.

<sup>1</sup> OJ L145, 31.05.2001, p.43.

As such, the personal data have been deleted pursuant to the exception set out in Article 4(1) (b) of Regulation 1049/2001, according to which the institutions shall refuse access to a document where disclosure would undermine the protection of [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

The Court of Justice has confirmed that "where a request based on Regulation No 1049/2001 seeks to obtain access to documents including personal data, the provisions of Regulation 45/2001 become applicable in their entirety, including Articles 8 and 18 thereof". Pursuant to Regulation 45/2001, personal data must be processed fairly and lawfully. Any processing must be necessary and proportionate for a specific purpose.

Furthermore, pursuant to Article 8(b) of Regulation 45/2001, the Commission can only transmit personal data to a recipient subject to Directive 95/46/EC if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced. These two conditions are cumulative. Since nothing in your request shows the necessity of (nor any specific interest in) having these data transmitted to you, we consider that, in this case, the necessity of disclosing the abovementioned data is not demonstrated.

Futhermore, there are clear reasons to assume that the legitimate interests of the data subjects concerned might be prejudiced. Indeed, two individuals concerned opposed themselves to disclosure of their personal data, and the other (external) natural persons did not reply to our consultation.

Consequently, the disclosure of the names of natural persons referred to above has to be refused pursuant to Article 4(1) (b) of Regulation 1049/2001. As the Court of Justice confirmed in its Bavarian Lager judgment (Case C-28/08 P), by releasing the expurgated version of the minutes of the meeting of 11 October 1996 with the names of five participants [who had not replied to the Commission's consultation] removed therefrom, the Commission did not infringe the provisions of Regulation No 1049/2001 and sufficiently complied with its duty of openness.

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 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 5/327  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Marianne Klingbeil