

Alicante, March 15, 2019
Ref.04/2019DIN: 0075139914

Ms. Luisa Izuzquiza
By email: ask+request-6550-9a93f6be@asktheeu.org

Subject: Access to Documents- Ref 04/2019

Dear Ms. Izuzquiza,

We refer to your application of 07-03-2019 pursuant to Regulation No.1049/2019 regarding public access to European Parliament, Council and Commission documents.

You have requested the following:

For the period between 26 April 2018 to date:

- *a list of all lobby meetings held by this agency with Facebook or its intermediaries. The list should include: date, individuals attending and organisational affiliation, as well as the issues discussed;*
- *all minutes and other reports of these meetings;*
- *all correspondence, including attachments (i.e. any emails, correspondence or telephone call notes) between this agency (including the Director and the Cabinet) and Facebook or any intermediaries representing its interests; and*
- *all documents prepared for the purpose of the meeting and/or exchanged during the course of the meeting.*

The response by the EUIPO is as follows:

The EUIPO does not hold any documents that correspond to the scope of your request, concerning lobbying meetings with Facebook or its representatives, or related documents, since no lobbying meetings have taken place.

What EUIPO can provide you in response to your request are email messages sent by EUIPO to a person working for Facebook but they have only been addressed to him in his personal capacity as expert and are standard circular emails to members of the expert groups. The person in question has been selected in his personal capacity to be part of a newly created expert group of the Observatory, more specifically the “Expert group on Cooperation with Intermediaries”.

The role of the Observatory is to bring together all relevant stakeholders and this expert group will, among other things, deal with IP infringement on social media. As stated in the Terms of Reference for Observatory Expert Groups, which we also enclosed,

“Experts will represent themselves and not a particular organisation nor institution”.

In addition, as you will also find on the terms of reference enclosed, the summary of these meetings and the list of participants will be made public in the EUIPO website.

Disclosure of personal documents or individual information is rejected as this is protected under Article 4(2), first indent of Regulation 1049/2001 where it stipulates protection which undermines the protection of [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

The applicable legislation in this field is 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 the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Regulation 2018/1725).

As stated previously as the persons involved are not acting on any official capacity there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts. (AskEU is a third party website).

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the EUIPO to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Executive Director at the following e-mail:

Executivesecretariat@euiipo.europa.eu

Yours sincerely,

Julie Miller Holmer
EUIPO Public Register