



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

Resources and Support
Compliance and Planning
Head of Unit

Brussels, 29th June 2020
CNECT/R.4

Mr Samuel Stolton
EURACTIV Brussels
International Press Centre
Boulevard Charlemagne 1
1041 Brussels
BELGIUM

By email only to:

ask+request-7948-cada4155@asktheeu.org

Subject: Your application for access to documents – GestDem 2020/2693

Dear Mr Stolton,

I refer to your application for access to documents pursuant to 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 documents¹ (hereinafter ‘Regulation 1049/2001’). Your request is dated 11 May 2020 and was registered on the same date under the above-mentioned reference number. I also refer to the acknowledgement of receipt provided to you – also on the same date, our reference Ares(2020)2472017, as well as to our holding reply dated 4 June 2020, Ares(2020)2875504.

1. SCOPE OF YOUR REQUEST

Your request is as follows:

‘- Detailed minutes of the videoconference meeting held on May 4th 2020 between Filomena Chirico, Cabinet member of Thierry Breton, and Google.

- All documentation (including but not limited to: email correspondence, attendance lists, agendas, background papers, and additional notes) related to the above meeting, as well as any correspondence exchanged subsequent to the meeting between the two parties, up to the current date of 10 May 2020’.

¹ Official Journal OJ L 145, 31.5.2001, p. 43.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF YOUR REQUEST

We have identified the following documents as falling within the scope of your request:

- 1) *Ares(2020)1235572 – Email message ‘Re: webex Meeting request on behalf of Google’;*
- 2) *Ares(2020)2548053 – Email message ‘Thank you and looking forward to staying in touch’ dated 6 May 2020;*
- 3) *Ares(2020)2550036 – BTO: Meeting with Google on 4 May 2020;*
- 4) *Ares(2020)2566344 – Email messages ‘RE: Thank you and looking forward to staying in touch’;*
- 5) *Ares(2020)2877475 – Briefing Note ‘BASIS 230 LC-Google’.*

3. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

With regard to all documents listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual, outlined in Article 4(1)(b) of Regulation 1049/2001, because they contain the following personal data:

- names/initials and contact information of Commission staff members not pertaining to the senior management;
- names/initials and contact details of other natural persons;
- other information relating to identified or identifiable natural persons, like e.g. the function of the before mentioned persons. The release of the respective information would allow finding out about the identity of the individuals.

Article 9(1)(b) of the Data Protection Regulation² 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 neither express any particular interest to have access to these personal data nor 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 1049/2001, access cannot be granted to the personal data in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Kindly pay attention to the following: You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on [Commission Decision 2011/833/EU of 12. December 2011 on the re-use of Commission documents \(OJ L 330, 14.12.2011, p. 39-42\)](#). You may reuse the documents

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 205, 21.11.2018, p. 39.

disclosed free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Furthermore, please note that, as far as the above documents (or parts of them) are originating from third parties, they are disclosed to you based on Regulation 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents (or the respective parts of documents) without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Finally, kindly note that document ‘(3)’ was drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Communications Networks, Content and Technology. It solely reflects the services’ interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

4. POSSIBILITY OF A CONFIRMATORY APPLICATION

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 within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
‘Transparency, Document Management and Access to Documents’ (SG.C.1)
BERL 7/076
1049 Brussels
BELGIUM

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

Yours faithfully,

(e-signed)

Katleen Engelbosch

Enclosure: 5