

To: ask+request-15290-2d9a28c3@asktheeu.org

Brussels, 17 December 2024

**Subject: Your application for access to documents – Ref No 2024-36**

Dear correspondent,

We refer to your email of 2/12/2024, in which you make a request for access to documents, registered on 3/12/2024 under reference number 2024-36.

The final deadline for replying to the initial request is 6/1/2025.

You requested access to the letter from NATO dated 29 April 2024 and to the EDPB reply.

**Assessment**

We have identified 2 document that falls within the scope of your request.

To facilitate our assessment and your consultation of the files, the titles of the files have been adequately numbered. We will refer to the numbers of each single file in our assessment below.

**A. Full disclosure**

Document 1 is publicly available: [https://www.edpb.europa.eu/system/files/2024-11/edpb\\_20241104\\_replytonatoletter\\_en.pdf](https://www.edpb.europa.eu/system/files/2024-11/edpb_20241104_replytonatoletter_en.pdf)

**B. Partial disclosure**

Having examined the Document 2 under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, alongside the scope of your request, we have come to the conclusion that full disclosure of this document cannot be granted, in its entirety. Disclosure of some information in this documents is prevented by the following exception to the right of access laid down in Article 4 of the Regulation 1049/2001.

**a) Exception 4(1)(b) (“Privacy and integrity of the individual”):**

The identified document to which you request access contains personal data, in particular the names and contact details of data subjects. Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with EU

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legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EU) 2018/1725<sup>1</sup>. When access is requested to documents containing personal data, Regulation 2018/1725 becomes fully applicable<sup>2</sup>. According to Article 9(1)(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them for a specific purpose in the public interest and the controller considers it proportionate. We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the document requested in which these personal data have been redacted.

### **Disclaimer**

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### **Means of redress**

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

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the following email address: [edpb@edpb.europa.eu](mailto:edpb@edpb.europa.eu). Please make reference to the case number of your request in the subject.

Yours sincerely,

Irene Loizidou-Nicolaidou

Vice-Chair of the EDPB

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<sup>1</sup> Regulation (EU) 2018/1725<sup>1</sup> 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

<sup>2</sup> Judgment of the Court of Justice of the European Union of 29 June 2010 in Case C-28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055. This case concerns the previous Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

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