



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Brussels
Directorate-General. HOME

Laura KAYALI
Rue de la Loi 62,
1040 Brussels, Belgium

Subject: Your application for access to documents – 2022/5604

Dear Ms KAYALI,

We refer to your email of 29 September 2022 in which you make a request for access to documents, registered on 3 October 2022 under the above-mentioned reference number.

You request access to *'documents, briefings, minutes and any other relevant documentation about the meeting held on September 27, 2022 between EU Home Affairs Commissioner Ylva Johansson and France's Charlotte Caubel'*.

The following documents fall within the scope of your application:

- **Flash report - meeting between Ylva Johansson and Charlotte Caubel**, 17 September 2022, reference Ares (2022)7167352 (hereafter 'document 1')
- **Briefing for a meeting between Ylva Johansson and Charlotte Caubel**, 27 September 2022, reference Ares (2022)7166807 (hereafter 'document 2')

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

With regard to documents 1 and 2, a complete disclosure of the 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:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons.

Article 9(1)(b) of the Data Protection Regulation¹ 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 1049/2001, access cannot be granted to the personal data contained 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.

In addition, some parts of document 2 have been blanked out as their disclosure is prevented by exception to the right of access laid down in **Article 4(3), first subparagraph of the Regulation (protection of the ongoing decision-making process)**.

The redacted part of the document 2 relates to exchanges that take place in the course of an ongoing inter-institutional negotiation process on a proposed Regulation to prevent and combat child sexual abuse. Disclosing such information at this point in time would affect the climate of mutual trust between the Member State, i.e. France, and the Commission, which would also have negative consequences for the protection of the ongoing decision-making process at inter-institutional level.

Consequently, disclosure of such exchanges of information and views of Commission services would **seriously undermine the institutions' decision-making process**, as it would deter Commission officials but also stakeholders from the Member States from making such remarks independently and without being influenced by the prospect of wide disclosure exposing the institution and services to which the civil servants belong.

The exception laid down in Article 4(3) of Regulation 1049/2001 applies unless there is an overriding public interest in disclosure of the document. I observe that you have not provided any arguments to support any pressing need for the public to obtain access to the documents. We have also examined whether there could be an overriding public interest in disclosure but we have not been able to identify such an interest.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the Commission Decision on the reuse of Commission documents. You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

¹ 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.

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 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 portal² 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,

Monique PARIAT
Director General

Annexes: 2 documents and the list of identified documents

² <https://www.ec.europa.eu/transparency/documents-request>