

EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

Directorate R - Resources Management and Optimisation (RMO)
DIGIT R3 - ICT Procurement and Contract Management (PCM)

Brussels, 26.09.2016
DIGIT/R/3/SdP 6038129(2016)

Ms Wiesje van Nunen
Access Info Europe
Cava de San Miguel 8, 4C
E-28005 Madrid (Spain)

**By registered letter with
acknowledgement of receipt**

Advance copy by e-mail:
[ask+request-3281-
5549ef2d@asktheeu.org](mailto:ask+request-3281-5549ef2d@asktheeu.org)

Subject: Your application for access to documents

Ref.: GESTDEM 2016/4996

Dear Madam,

We refer to your message dated 2 September 2016, in which you make a request for access to documents, registered on 6 September 2016 under the above-mentioned reference number.

You request access to:

“1. Memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping[, and in particular] documents that refer to creation/keeping of:

Agendas (diaries of public officials' engagements), lists of meetings, minutes of meetings, lists of participants in meetings, and documents justifying decisions.

2. Memos, guidance, guidelines, or training material (or any other document) for DG staff on the processing of access to information requests”

We understand from the wording of your application that it covers documents developed locally by our DG, i.e. DIGIT, for its own staff. This interpretation is confirmed by the fact that you appear to have submitted a similar application to several other departments, including the Secretariat-General, which is responsible for producing such documents at corporate level.

Furthermore, we understand that by “*processing of access to information requests*” you intend to cover not only requests for information as such (which are governed by the Commission’s Code of Good Administrative Behaviour¹), but also requests for access to documents under Regulation (EC) No 1049/2001².

In this context, I would like to inform you that DIGIT has not developed any memos, guidance, guidelines, training material or similar documents for its own staff as regards:

- agendas, lists of meetings, minutes of meetings, lists of participants in meetings, and documents justifying decisions;
- processing of requests for information;
- processing of requests for access to documents under Regulation (EC) No 1049/2001.

In all these areas, DIGIT simply applies the relevant provisions and/or uses the corporate guidance provided at central level.

Therefore, your application is devoid of purpose as regards these matters.

However, we have been able to identify three existing documents which may match your request for access to “*memos, guidance, guidelines, or training material (or any other document) for DG staff on record creation and/or record keeping*”. The documents are the following:

- “*Courrier au nom du Directeur général de la DG DIGIT en titre ou en Cc*” (Ares Ares(2013)3612273)
- “*Use of ARES in DG DIGIT – Rules, information resources and recommended trainings*” (Ares(2015)1529887)
- “*Manual of procedure – Document Management*”

The last document is not registered in Ares, the central registry of documents created, received and held by the Commission, but it is available to the staff of DIGIT through the section “*Procedures and Templates / Administration and Document Management*” of its Intranet (with status “*To be validated*”).

The documents to which you have requested access contain personal data, in particular names and other data related to the officials having contributed to their drafting or acting as contact points.

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

¹ http://ec.europa.eu/transparency/code/index_en.htm

² 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 documents (OJ L 145 of 31.05.2001, p. 43).

of the individual, in particular in accordance with EU legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001³.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable⁴.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

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 the documents requested expunged from these personal data.

Nevertheless, in accordance with the Commission's current administrative practice, access can be granted to the personal data of staff in senior management positions (Director and above). In these cases, the personal data in question have not been expunged.

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

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, 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:

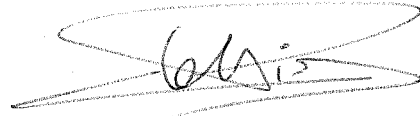
European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

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

³ 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 (OJ L 8 of 12.01.2001, p. 1).

⁴ Judgment of the Court of Justice of the European Union (Grand Chamber) of 29 June 2010 in Case C-28/08 P, *European Commission v The Bavarian Lager Co. Ltd.*, ECR 2010 I-06055.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Martín Bilbao', is enclosed within a large, hand-drawn oval scribble.

p.o.

Martín BILBAO
Head of Unit

Enclosures: 3 requested documents (expunged from personal data)