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**Subject: Reply to your request for access to documents**

**Reference: ATD/019/2022**

Dear Mr Fanta,

I refer to your request of 25 April 2022, registered on 26 April 2022, under the above-mentioned reference number.

Your request concerns access to documents which contain the following information:

1. Memos, guidance, guidelines, or training material (or any other document) for staff on record creation and/or record keeping. You are particularly interested in documents that refer to creation/keeping of text messages.
2. Memos, guidance, guidelines, or training material (or any other document) for staff on the processing of access to information requests.

As regards point 1, ECHA has identified the following five documents as falling within the scope of your request:

- 1) PRO-0010 Control of documents and records
- 2) LIS-0026 ECHA Retention Schedule
- 3) PRO-0085 Access to ECHA Information
- 4) Training to staff on Information Management in practice, 8/4/2022
- 5) Training to staff on How to register incoming/outgoing communications, 22/5/2017

As regards point 2, ECHA has identified the following three documents:

- 6) WIN-0011.11 Processing applications for access to documents
- 7) WIN-0130.07 Processing third party consultations addressed to ECHA
- 8) Training for staff Basic training "Access to Documents", 9/11/2021

## Decision

Based on Article 7(1) of the ATD Regulation<sup>1</sup>

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<sup>1</sup> 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. Available at the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001R1049>.

**ECHA has decided to grant you full access to the requested documents No. 1, 2, 3, 6 and 7 and partial access to the requested documents No. 4, 5 and 8.**

You can find the non-confidential version of the documents enclosed to this letter.

### **Reasons**

Following an individual assessment of the documents requested under the provisions of the ATD Regulation, and taking into account the comments received from the consulted third parties, ECHA has concluded that the disclosure of documents No. 4, 5 and 8 is partly prevented by exception to the right of access laid down in Article 4 of this regulation. The reasons as to why specific redactions have been performed are provided below.

### **Protection of privacy and the integrity of an individual**

#### *Names and email addresses of ECHA's staff members*

Under Article 4(1)(b) of the ATD Regulation, ECHA must refuse access to a document in case disclosure would undermine the protection of privacy and the integrity of an individual. Where a request based on the ATD Regulation seeks to obtain access to documents including personal data, the provisions of Regulation (EU) 2018/1725 apply. According to Article 3(1) of Regulation (EU) 2018/1725 the term 'personal data' means any information relating to an identified or identifiable natural person. The names and email addresses of ECHA's staff members contained in documents No. 4, 5 and 8 constitute personal data within the meaning of the above-mentioned provision.

Pursuant to Article 9(1) (b) of Regulation 2018/1725, 'personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if '[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, the transmission of personal data can occur.

In your application, you have not shown the necessity to have the personal data at issue transmitted for a specific purpose in the public interest. Accordingly, the exception referred to in Article 4(1)(b) of the ATD Regulation was found to apply the names and email addresses of ECHA's staff members and the corresponding information has therefore been redacted.

### **Advice and further observations**

You are reminded that the documents attached are subject to copyright protection as mentioned in Article 16 of the ATD Regulation.

You expressed particular interest in any documents that refer to creation or keeping of text messages. Although the criteria set in ECHA's Records Management policy does not differentiate

records from their medium, text and instant messages sent or received through professional and/or personal devices are not used in ECHA as communication systems (see *PRO-0010 Annex 1 for a list of ECHA's document management systems*).

### Means of redress

You are entitled to make a confirmatory application requesting ECHA to review this position by writing to the Executive Director of ECHA (P.O Box 400, 00121 Helsinki, Finland or [executive-director@echa.europa.eu](mailto:executive-director@echa.europa.eu)). This needs to be done within 15 working days, as applicable in your country, of receiving this letter.

Yours sincerely,

(e-signed)<sup>2</sup>

Minna HEIKKILÄ  
Head of Legal Affairs Unit

Enclosures: **Attachment 1**

- PRO-0010 Control of documents and records

**Attachment 2**

- LIS-0026 ECHA Retention Schedule

**Attachment 3**

- PRO-0085 Access to ECHA Information

**Attachment 4**

- Training to staff on Information Management in practice, 8/4/2022

**Attachment 5**

- Training to staff on How to register incoming/outgoing communications, 22/5/2017

**Attachment 6**

- WIN-0011.11 Processing applications for access to documents

**Attachment 7**

- WIN-0130.07 Processing third party consultations addressed to ECHA

**Attachment 8**

- Training for staff Basic training "Access to Documents", 9/11/2021

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<sup>2</sup> As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.