



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate C: Fundamental rights and rule of law
Unit C.4: International data flows and protection

Brussels, 10 February 2022
JUST.C.4/AV

Samuel Stolton
Rue de la Loi 62
1000 Brussels
Belgium

Sent by e-mail to: ask+request-10658-d1d106bf@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/0746

Dear Sir,

We refer to your request for access to documents of 28 January 2022, registered under the above-mentioned reference number.

You request access to:

- Detailed minutes of the exchange between Commissioner Didier Reynders, Cabinet members Lucrezia Busa and Geneviève Tuts, and representatives of Facebook Ireland Limited (Meta) during their meeting on January 11 2022. Should detailed minutes be unavailable I would ask that a written summary of the meeting be made available.
- All correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) between the offices of Commissioner Reynders and Facebook Ireland Limited (Meta) conducted either prior to the meeting or subsequent to it.

Your application concerns the following documents:

1. Minutes from the meeting between Commissioner Reynders and Meta of 11 January 2022 (Ares(2022)912394);
2. E-mail exchanges between the Cabinet of Commissioner Reynders and Meta (Ares(2021)7346332).

With regard to the 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 (EC) No 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 (EC) No 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 case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

According to standard operational procedures, the reply is usually also sent by registered mail. Please note, however, that due to the extraordinary health and security measures currently in force during the COVID-19 epidemic, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to: JUST-C4@ec.europa.eu.

Yours faithfully,

Bruno GENCARELLI
Head of Unit
[e-signed]

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.