



EUROPEAN COMMISSION  
RESEARCH EXECUTIVE AGENCY

Administration, Finance and Support Services  
Head of Department

Brussels.  
REA C0.1/ (2017)

Mr Peter Teffer  
Rue Montoyer 18B  
1000 Brussels  
Belgium

*Sent by registered e-mail to:*  
*[ask-request-4261-](mailto:ask-request-4261-65af23ad@a.asktheeu.org)*  
*[65af23ad@a.asktheeu.org](mailto:65af23ad@a.asktheeu.org)*

**Subject: Your application for access to documents – Rental contract**

**Ref. Ares(2017)2431882**

Dear Mr Teffer,

We refer to your request for access to documents submitted to the Research Executive Agency (REA) on 8 May 2017 and registered on 12 May 2017 under the following reference number Ares(2017)2431882. Further to the acknowledgement of your request we informed you on 7 June 2017 that an extension of the time limit with 15 working days was necessary in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents.

## 1. SCOPE OF YOUR REQUEST

Your application concerns the *"documents which contain the following information: The rental contract(s) of the building(s) the agency occupies"*.

This request is handled within the scope of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>.

---

<sup>1</sup> Regulation (EC) N° 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 L145, 31.05.2001, page 43, hereinafter "Regulation N° 1049/2001".

## 2. DISCLOSURE OF THE REQUESTED DOCUMENT

Having examined your request under the provisions of Regulation (EC) N° 1049/2001 regarding public access to documents, we consider that the document "*Convention de Constitution d'Usufruit*", which was signed on 15 September 2008, between the company "Immobilière du Royal Rogier" and "l'Agence REA de la Commission Européenne" is related to your request.

We consider that access to it can be partially granted as full disclosure is prevented by the exceptions to the right of access laid down in Article 4(1) of 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. Article 4(1) provides that "*the institutions shall refuse access to a document where disclosure would undermine the protection of:*

- (a) *the public interest as regards: - public security (...); and*
- (b) *the privacy and the integrity of the individual in particular in accordance with Community legislation regarding the protection of personal data".*

Please note that for REA, the applicable Community legislation in the field of data protection is Regulation (EC) 45/2001 of the European Parliament and of the Council 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.

With regard to point (a), the REA considers that certain parts of the document in question contain sensitive information whose disclosure could entail a risk to the public security and particularly to the Agency's staff, such as plans of the building as well as security and surveillance information of the building, and therefore, access should be refused.

With regard to point (b), certainly the identified document contains some personal data, such as the name, surname, personal address, signature, and signed initials of certain members of the staff of the Commission and the REA and/or the company owning the building that signed the contract. There is also other personal data, such as the names of the contractors or of the notaries involved in the contract.

Except for the case of the name of the European Commission's and REA's representative, the conclusion of our assessment, in light of the above mentioned Regulation 45/2001, is that the disclosure of the above indicated personal information should not be allowed. Indeed, according to Article 8 (b) of the latter 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 data subjects (i.e. concerned persons) might be prejudiced: conditions that, in our view, are not met in your case.

Please find attached a copy of the referred document expunged of the personal and security-related information.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Director of the REA to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to Mr Marc TACHELET, Director of the REA, at the following address:

Research Executive Agency  
Covent Garden building  
COV2 – 18/163  
Place Charles Rogier, 16  
1210 Brussels

Yours sincerely,



Wilfried BEURMS

