



To: Luisa Izuzquiza



Stockholm, 23 May 2019

Dear Madam Izuzquiza,

**Subject: Your application for access to documents – Ref RMC-2019-OUT-1215-PMCrGa**

We refer to your email dated 3 May 2019 in which you make a request for access to documents, registered on 6 May 2019 under the reference number 19-1128.

Your request was divided in two parts.

***The first part of your request***

The first part of your request concerned, for the years 2017, 2018 and 2019:

- any and all documents that contain the number of staff in your Transparency Unit (or the department dealing with access to EU documents requests) - this could be, for instance, organigrams or staffing plans that are specific to that unit;
- any and all documents containing the budget for your Transparency Unit (or the department dealing with access to EU documents requests); I would appreciate the most detailed version of this budget possible.

ECDC does not have a Transparency Unit, nor a specific department dealing with access to documents. In fact, all ECDC Units are involved in processing access to documents requests. Staff dealing with access to documents is not exclusively dedicated to the task, and there is no assigned budget specifically for transparency. Although it does not fall under the scope of your access to documents request, we attach for your consideration a copy of the *ECDC Internal Procedure on Public Access to Documents (ECDC/IP/61)*, where you will be able to appreciate the roles, responsibilities and workflow at ECDC when dealing with an application.

In view of the above, we regret to inform you that no documents were found that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, ECDC is not in a position to handle the first part of your request.

Please note that we have redacted the personal data contained in the document *ECDC Internal Procedure on Public Access to Documents (ECDC/IP/61)*, namely the name and surname and

graphic signature of the ECDC staff members involved in the drafting and approval of the procedure.

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 of the individual, in particular in accordance with Union legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EU) No 2018/1725.

When access is requested to documents containing personal data, Regulation (EU) No 2018/1725 becomes fully applicable. According to Article 9.1(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 document without any personal data.

Finally, we would also like to refer you to ECDC's organisational structure, which you can find at

<https://ecdc.europa.eu/en/about-us/ecdcs-organisational-structure>

### ***The second part of your request***

The second part of your application included the following request, for the years 2016, 2017 and 2018:

*- any and all documents containing data on the handling of access to EU documents requests by this institution; I am looking specifically for broken down data, per year, on the number of initial access to documents applications received, and the number of confirmatory applications received*

With regards to 2016, please find attached an extract from an internal document created by ECDC in the framework of the discharge exercise of the budget of EU Agencies. The document contains figures for the year.

With regards to 2017 and 2018, we were not able to find any document that would correspond to the description given in your application, neither were we able to obtain the information by extracting data from a database with a simple routine search.

As we have already mentioned above, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, ECDC is not in a position to handle this part of your request regarding the years 2017 and 2018.

However, while ECDC cannot provide you any document, ECDC can provide you, as an information, the figures for the year 2017 (ECDC received 20 applications) and the figures for 2018 (ECDC received 69 applications). In 2016, ECDC did not receive any confirmatory application. Both in 2017 and in 2018,- ECDC received one confirmatory application.

Furthermore, please note that ECDC receives requests to access epidemiological data stored in The European Surveillance System (TESSy), a database operated by ECDC. Such requests can be considered requests for access to documents (as they result in content extracted from a database operated by ECDC), but are processed through a different workflow (you can find more at <https://ecdc.europa.eu/en/publications-data/european-surveillance-system-tessy>). During 2017, ECDC processed 37 applications, and during 2018, ECDC processed 48 applications.

### ***Means of appeal***

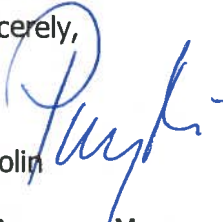
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the ECDC to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the ECDC at the following address:

ECDC  
Legal Services  
Gustav III:s Boulevard 40  
16973 Solna  
Sweden

or by email to: [confirmatory.requests@ecdc.europa.eu](mailto:confirmatory.requests@ecdc.europa.eu)

Yours sincerely,



Pontus Molin

Head of Resource Management and Coordination Unit