



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

Resources and Support
Compliance and Planning

Brussels
CNECT.R.4

Vera Deleja-Hotko
Open Knowledge Foundation
Singerstraße 109
10179 Berlin
Germany

Per e-mail:

v.deleja-

Subject: Your request for access to documents - GestDem 2022/2773

Dear Ms Deleja-Hotko,

We refer to your email of 12 May 2022 with which you introduced a request for access to documents pursuant to 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 (hereinafter ‘Regulation 1049/2001’), registered on 16 May 2022 under the above-mentioned reference number. We also refer to our holding reply, dated 9 June 2022, our reference Ares(2022)4283544, whereby we informed you that the time limit for handling your application was extended by 15 working days pursuant to Article 7(3) of Regulation 1049/2001.

1. SCOPE OF YOUR APPLICATION

By your application, you request access to the following:

‘Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting the following documents concerning meetings between representatives of the Commission and the International Centre for Migration Policy Development (ICMPD)

(..)

27) 15 Mar 2016 - Commissioner Günther Oettinger - Migration policy (DG Digital Economy)

Any record of the aforementioned meeting. This may include, but not necessarily limited to, minutes of the meeting, verbatim reports of the meeting, transcripts, notes, outcomes of proceedings, or any record that reflects the course of the meeting, the discussions that took place, and positions expressed by its attendees.'

Your request has also been attributed to the Secretariat-General of the European Commission (SG), the Directorate-General for International Partnerships (DG INTPA), the Directorate-General for Migration and Home Affairs (DG HOME), the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR), the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) and the Directorate-General for Budget (DG BUDG). This reply relates only to the abovementioned meeting falling under the remit of the Directorate-General for Communications Networks, Content and Technology (DG CNECT), as Commissioner Oettinger was Commissioner for Digital Economy and Society at the time of the meeting.

The other parts of your request covering areas falling under the responsibility of other Directorates-General¹ will be addressed by the relevant services.

2. DOCUMENTS FALLING WITHIN THE SCOPE OF THE REQUEST

The following document has been identified as falling within the scope of your request:

- Email correspondence January/February 2016 - Follow-up: Treffen Spindelegger – Kom. Oettinger (**Document 1**)

3. ASSESSMENT UNDER REGULATION 1049/2001

Following an examination of the identified document under the provisions of Regulation 1049/2001 and taking into account the opinion of the third party, we have arrived at the conclusion that partial access can be granted to the document identified. Full disclosure is prevented by the exception concerning the protection of privacy and integrity of the individual outlined in Article 4(1)(b) Regulation 1049/2001, since the document contains the following personal data:

- the names/initials, functions and contact information of Commission staff members not pertaining to the senior management;
- Names, functions and contact information of other natural persons.

Article 9(1)(b) of the Data Protection Regulation² does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to

¹-2022/2767 – SG,

-2022/2768 – DG INTPA,

-2022/2770 – DG HOME,

-2022/2771 – DG NEAR,

-2022/2772 – DG ECHO,

-2022/2774 – DG BUDG.

² 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,

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) Regulation 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.

4. REUSE OF DOCUMENTS

You may reuse public documents which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the parts of the disclosed document originating from the Commission free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Parts of Document 1 originate from a third party. Please note that it is disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released document without the agreement of the originator, who may hold an intellectual property right on it. The European Commission does not assume any responsibility from its reuse.

5. CONFIRMATORY APPLICATION

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

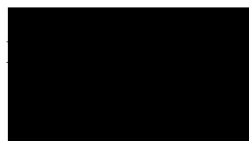
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours faithfully,

Electronically signed



Enclosure: (1)