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Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Competitiveness and European Semester

Communication, Access to Documents and Document Management

Brussels, 29 July 2015

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By registered letter with acknowledgment of receipt

Mr Schindler
Bundestagsbüro Julia Reda,
MdEP Unter den Linden 50
11011 Berlin

*Advance copy by email : Mathias Schindler
<ask+request-2139-23d6c272@asktheeu.org*

Subject: Your application for access to documents – Ref GestDem No 2015/3765

Dear Mr Schindler,

We refer to your e-mail dated 15/07/2015 in which you make a request for access to documents, registered on 15/07/2015 under the above mentioned reference number.

As part of an ongoing request for access to documents, you have requested access to a copy of the letter sent to a third party in order to receive its consent to the release of its identity.

We enclose a copy of the letter used to consult the third party on the disclosure of the documents originating from it and an e-mail exchange in which the third party, asked to give its consent to the release of its identity, has refused it.

The documents to which you have requested access contain personal data, in particular the name and the function of the consulted third party.

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 Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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 data¹.

¹ OJ L 8 of 12.1.2001, p. 1

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(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 documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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 Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Bruxelles

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

Yours sincerely,



Bonifacio Garcia Porras

Enclosures: Letter of consultation of the third party on disclosure of the documents.
Exchange of e-mails in which the third party has been asked to give its consent to the disclosure of its identity.

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.