

**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, **11 DEC. 2013**  
HR B4 – EC – Ares (2013)

**Subject: Your application for access to documents – Ref GestDem No 5752/2013**

Dear Mr Dohle,

We refer to your e-mail dated 18 November 2013 in which you request access to documents, and which was registered on 19 November 2013 under the above-mentioned reference number.

Your application concerns all documents, phone logs related to new policy on follow up of seconded European Commission staff (period 2012-now).

I would firstly like to mention that the new policy you refer to results actually from the Commission Decision on administrative aspects of external mobility that was adopted on 3 September 2013. Therefore, the documents related to your request are only available since the date of the adoption of the Commission decision.

We enclose a copy of the Commission decision of 3 September 2013 on administrative aspects of external mobility together with the communication to the Commission on Guidelines on External Mobility of 3 September 2013.

With regard to the implementation of this policy, we can confirm that we have started to contact seconded staff as provided in Article 4.7 of the aforementioned Guidelines on external mobility. For the moment, my services got in touch with two officials that have among the longest period of secondment and we plan to extend these contacts to other staff concerned in the coming months.

Please note, however, that the documents to which you have requested access (correspondence and phone logs) contain personal data of our seconded European Commission staff.

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 EU 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 data<sup>1</sup>.

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<sup>1</sup> 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 applicable<sup>2</sup>. 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 that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned.

We have also considered whether partial access could be granted to the correspondence and phone logs requested. However, we believe that the remaining parts after expunging the confidential information would be meaningless.

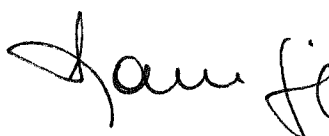
In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

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

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Irene Souka

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<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported