

ЕВРОПЕЙСКИ ПАРЛАМЕНТ    PARLAMENTO EUROPEO    EVROPSKÝ PARLAMENT    EUROPA-PARLAMENTET  
EUROPÄISCHES PARLAMENT    EUROOPA PARLAMENT    ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ    EUROPEAN PARLIAMENT  
PARLEMENT EUROPÉEN    PARLAIMINT NA HEORPA    EUROPSKI PARLAMENT    PARLAMENTO EUROPEO  
EIROPAS PARLAMENTS    EUROPOS PARLAMENTAS    EURÓPAI PARLAMENT    IL-PARLAMENT EWROPEW  
EUROPEES PARLEMENT    PARLAMENT EUROPEJSKI    PARLAMENTO EUROPEU    PARLAMENTUL EUROPEAN  
EURÓPSKY PARLAMENT    EVROPSKI PARLAMENT    EUROOPAN PARLAMENTTI    EUROPAPARLAMENTET

Der Generalsekretär

D 320136 25.11.2015

REGISTERED LETTER  
WITH ACKNOWLEDGEMENT OF RECEIPT

Mr Jakub Michalek

Jakub Michalek <ask+request-2382-b488b8d4@asktheeu.org>

**Subject:** Your request for public access to documents  
Our ref.: A(2015)13723 (*to be quoted in any future correspondence*)

On 4 November 2015, the European Parliament received your application for public access to documents containing, for the period from 1.01.2014 until today, the list of contractors of the office of one of the Members of the European Parliament, as well as the contracts and underlying documents related to one specific contractor.

Parliament has understood your request as referring to service providers Members may make use of in order to obtain specific services linked to the exercise of their parliamentary mandate, in accordance with the *Implementing measures for the Statute for Members of the European Parliament*<sup>1</sup>.

Identified documents

Article 41 of the mentioned rules stipulates that in cases where a service contract has been concluded, the cost of services provided shall be defrayed on submission to the relevant department of the required financial documents.

In the case at stake in your request, Parliament holds this type of documents consisting of contracts, invoices and application forms. These documents contain the information you request.

Assessments of your application

Your application has been examined in the light of provisions in Regulation (EC) No 1049/2001 laying down the terms and conditions for public access to the documents

---

<sup>1</sup> Decision of the Bureau of 19 May and 9 July 2008 concerning implementing measures for the Statute for Members of the European Parliament;  
OJ C 159 of 13 July 2009, p. 1, in particular Article 34(5)

of the European Union institutions<sup>2</sup>, and Regulation (EC) No 45/2001 on the processing of personal data<sup>3</sup>.

The documents in question contain the name of a natural person (service provider) as well as the amounts invoiced and bank details. This information constitutes personal data under point (a) of Article 2 of Regulation (EC) No 45/2001.

Pursuant to point (b) of Article 4(1) of Regulation (EC) No 1049/2001 on public access to documents, Parliament "*shall refuse access to documents where disclosure would undermine the protection of privacy and the integrity of the individual, in accordance with Community legislation on the protection of personal data*" (i.e. Regulation (EC) No 45/2001). It means that when assessing the legality of disclosure of personal data according point (b) of Article 4(1) of Regulation (EC) No 1049/2001, the provisions of Regulation (EC) No 45/2001 shall apply.

Transfer of personal data under Regulation (EC) No 45/2001 is notably subject to the conditions provided for by point (b) of Article 8 of this Regulation. According to it, personal data shall only be transferred to recipients subject to the national law adopted for the implementation of Directive 95/46/EC, if the recipient establishes the necessity of having the data transferred, and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.

Parliament takes the view that on the basis of your request for access, the aforementioned provision does not allow for a transfer of the personal data contained in the documents. Indeed, neither have you demonstrated the necessity for the data transfer nor do the legitimate interests of the data subjects concerned allow for such a transfer.

Moreover, the identified documents contain figures concerning the amounts invoiced for the services provided revealing in consequence information relating to the commercial activity of the individuals (service providers) concerned.

Article 4(2), first indent of Regulation (EC) No 1049/2001 stipulates that "*The institutions shall refuse access to documents where disclosure would undermine the protection of commercial interests of a natural or legal person*".

As regards the existence of an overriding public interest within the meaning of Article 4(2) of the Regulation, there is no evidence of such an interest in disclosure of the relevant parts that would outweigh the need to protect the commercial interests of the service providers concerned.

On the basis of the above considerations, and notably with regard to the exceptions provided under point (b) of Article 4(1) and Article 4(2), first indent of Regulation (EC) No 1049/2001, I regret to inform you that Parliament cannot grant public access to the documents containing the information falling within the scope of your request.

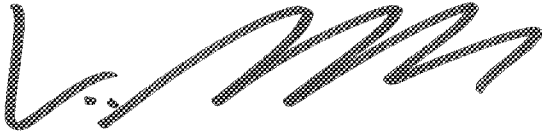
---

<sup>2</sup> 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;  
OJ L 145 of 31 May 2001, p.43

<sup>3</sup> 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;  
OJ L 8 of 12 January 2001, p.1

I would like to draw your attention to the fact that, pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to submit, within 15 working days of receipt of this letter, a confirmatory application with a reasoned request (in the light of the abovementioned considerations) for Parliament's position to be reconsidered.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. Welle', with a stylized, cursive script.

Klaus WELLE