



European Parliament:

European Parliament
Rue Wiertz 60
1047 Bruxelles

Naše značka Praha
ZK Pha 233/2015 23. 12. 2015

A(2015)13723 Confirmatory request

Respectable Mr. Secretary,

On November 4th I have submitted a request for access for following information:

- 1) list of contractors of the Office of the MEP Miroslav Poche who received payments from Jan 1, 2014 until today,
- 2) list of contracts with Mr. Karel Březina (supposedly a contractor under 1) and a sum of payments made under each of these contracts and the documents provided to the Office of MEP Miroslav Poche in fullwilling of each of these contracts by Mr. Karel Březina.

On December 10th I have received a letter from the European Parliament signed by you, confirming that the European Parliament cannot provide this information publicly. The European Parliament have confirmed that as a person requesting the acceess I have not demonstrated the necessity of having the data transferred according to the Article 8 (b) of the EC regulation No 45/2001, so there is no reason to assume that the data subject's legitimate interests might be prejudiced.

Pursuant Article 8 (a) and (b) of the EC regulation No. 45/2001 I hereby demonstrate the necessity of having the data transferred based on the following statements:

Under the Freedom of Information Act of the Czech Republic, Act no. 106/1999 Coll., every citizen of the Czech Republic has a right to get requested information from a public body (§ 8b of the mentioned Act) because the right to information about public spendings is regarded higher than right to privacy (in these specific situations). The right extends over all people or entities that receive payments from the public institutions, except in case specified therein. I would expect that European Parliament, which claims to be a transparent institution, to have similar approach, considering that money spent by MEPs is the money of all European citizens. We hold it as self evident that to work as a contractor for the European Parliament and receive money is not a matter of privacy but rather of public service.

Mr. Březina, for whom the money is requested, was sentenced in 2014 for fraud by the District Court of Prague 9. Mr. Březina is also a long-term member of the Czech Social Democratic party (ČSSD), leader of the deputies group in the Prague City Hall, and also (possibly a former) an assistant of the Prime Minister as the Chairman of the Czech Social Democratic party (ČSSD), secretary in the Social Democratic party and also the former Minister without portfolio. As a politician, he is a subject of public scrutiny in the Czech society. Such a public scrutiny thus makes it imperative that his financial whereabouts are subject to public interest among the general public in the Czech Republic.

Mr. Březina is also currently a member of Sports Grants Committee of the City Council of the Capital City Prague; he does not occupy any more significant political functions due to a fact that his political position is compromised, given the trial in 2014 mentioned above.

Member of the European Parliament Miroslav Poche is also a former deputy in the Prague City Hall and a former Chairman of the Social Democrat group in Prague Assembly. He is a close person to Karel Březina, which is obvious from the public sources and also from the very occasion, under which Mr. Březina was hired. In 2010 both of them supported each other in spite of calls of Presidency of the Social Democratic Party. Both politicians are well known for being influential and present for several consecutive election terms in the Prague politics as members of the Assembly. Since Mr. Březina was an assistant for an extremely short time (the EP has all information necessary to prove this) and we could not find any public results of his work, there might be a reasonable suspicion that Mr. Březina has worked for Mr. Poche in the several months before the elections to the Assembly of Capital city of Prague in October 2014 only to get a legal source of money, without providing any real assistance or contracting work to Mr. Poche. This would also constitute an illegal discrimination against other political parties who competed in the same elections, such as the political party of the author of this request. There is a strong public interest for the other political parties and for media to have access to primary documents to investigate this suspicion and the denial would constitute a breach of the Freedom of Information according to the Treaties of the EU and also of the basic rights according to ECHR, since the European Parliament abuses its monopoly as the holder of information.

It is reasonable to assume given the nature of cooperation between MEP Poche and Mr. Březina, the criminal sentence of Mr. Březina in the past and the custom interpretation of the right of public to access documents in the Czech Republic, that the requested information should be provided and the decision on denial should be overruled.

Mgr. Bc. Jakub Michálek
born 6. 2. 1989
living Bořivojova 108, Praha 3, Czech
Republic
member of the Assembly of Prague

Přílohy

- Sentence of Mr. Březina (first and second court)