



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 October 2013

15445/13

**INF 186
API 92**

NOTE

from : General Secretariat of the Council
to : Working Party on Information

Subject : Public access to documents
- Confirmatory application made by Ms Vicky Cann (No 20/c/01/13)

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 7 October 2013 and registered the same day ([Annex 1](#))
- reply from the General Secretariat of the Council dated 24 October 2013 ([Annex 2](#))
- confirmatory application dated 24 October 2013 and registered on the same day ([Annex 3](#))

[E-mail message sent on 7 October 2013 - 13:26

From: Vicky Cann <ask+request-873-016498db@asktheeu.org>
Sent: Monday, October 07, 2013 13:26 PM
To: SECRETARIAT DGF Access
Subject: access to information request - Gayle Kimberley and personal leave

Dear European Council,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001 and further to this previous request:
http://www.asktheeu.org/en/request/article_16_staff_regulations_gay#incoming-1934 , please confirm whether Gayle Kimberley is on 'leave on personal grounds' from the Council or whether she has fully left. If she has left the Council, please confirm on which date this occurred.

Yours faithfully,

Vicky Cann

This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request: ask+request-873-016498db@asktheeu.org

If Access@consilium.europa.eu is the wrong address for information requests to European Council, please tell the AsktheEU.org team on email team@asktheEU.org

This message and all replies from European Council will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <http://www.asktheeu.org/en/help/officers>



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THE EUROPEAN UNION**

GENERAL SECRETARIAT

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*- Access to Documents/
Legislative Transparency*

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access@consilium.europa.eu

Brussels, 24 October 2013

Ms Vicky Cann

**e-mail:
ask+request-873-016498db@
asktheeu.org**

Ref. 13/1668-csm/jj

Dear Ms Cann,

We have registered your request of 7 October 2013. Thank you for your interest.

The General Secretariat of the Council has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents¹ (hereafter the "Regulation") and specific provisions of the Council's Rules of Procedure² and has come to the following conclusion:

The documents held by the GSC related to the information you have requested contain personal data. Disclosure of the information contained therein would undermine the protection of privacy and the integrity of the individual in question, in particular in accordance with European Union legislation regarding the protection of personal data. Accordingly, pursuant to Article 4(1)(b) of the Regulation (protection of privacy and the integrity of the individual), the General Secretariat is unable to accede to your request.

Statutory remedy notice

Pursuant to Article 7(2) of the Regulation, you may submit a confirmatory application requesting the Council to reconsider this position, within 15 working days of receiving this reply³.

Yours sincerely,

For the General Secretariat

Jakob Thomsen

¹ Official Journal L 145, 31.5.2001, p. 43.

² Annex II to the Council's Rules of Procedure – Council Decision No 2009/937/EU; Official Journal L 325, 11.12.2009, p. 35.

³ Confirmatory applications are published in the Council's Register of documents. Please indicate whether you would like your personal data to be removed from Council documents related to your confirmatory application. Your reply will in no way prejudice your rights under Regulation (EC) No 1049/2001.

[Confirmatory application - sent by e-mail on 24 October 2013 - 15:56]

From: Vicky Cann [mailto:ask+request-873-016498db@asktheeu.org]

Sent: Thursday, October 24, 2013 15:56 PM

To: SECRETARIAT DGF Access

Subject: Internal review of access to information request - Gayle Kimberley and personal leave

Dear European Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of European Council's handling of my FOI request 'Gayle Kimberley and personal leave'.

I was very surprised by your letter which refused to provide the information I had requested. My initial request was very clear and simple in that I only asked for confirmation of whether a particular individual remains on the staff of the European Council or not. I did not request any personal details relating to that individual. If it makes it easier, I would be happy to receive an email containing the requested information, rather than specific documents themselves.

I note that other EU institutions have an online staff directory which makes it possible to search for individual staff members. The Council does not appear to have such a facility which reduces its claim to be transparent.

A full history of my FOI request and all correspondence is available on the Internet at this address: http://www.asktheeu.org/en/request/gayle_kimberley_and_personal_lea

I urge you to reconsider this matter.

Yours faithfully,

Vicky Cann

Please use this email address for all replies to this request:

ask+request-873-016498db@asktheeu.org

This message and all replies from European Council will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <http://www.asktheeu.org/en/help/officers>