Access to documents. European Ombudsman Special report following complaint 713/98/IJh

2001/2194(COS) - 23/11/2000 - Non-legislative basic document

PURPOSE : Draft Recommendation to the European Commission in a complaint concerning data protection and the right to privacy. CONTENT : This concerns complaint 713/98/IJH. The original complaint concerned the Commission's refusal to grant access to certain documents. During the course of the enquiry, it became clear that the complainant wanted certain information. He requested the Commission to inform him of the names of those persons who made submissions in relation to his complaint against the UK Guest Beer provision and of the representatives of a trade association (the Confederation des brasseurs du marché commun) who attended a meeting organised by the Commission. The Ombudsman proposed as a possible friendly solution, that the Commission should supply this information to the complainant. The Commission considers that the Data Protection Directive prevents it from supplying the names without the consent of the persons concerned. These persons were invited to give their consent, but only some responded positively. The Data Protection Directive is the only legal basis to which the Commission has referred to justify not supplying all the names to the complainant. The Ombudsman's view is that the right to privacy with respect to the processing of personal data under the Directive does not require the Commission to treat as secret views or information which have been submitted to it concerning the exercise of its functions, nor the names of the persons who submitted the views or information. The Ombudsman considers that the Commission has misunderstood its obligations under the directive and has infringed the principle of openness. The Ombudsman therefore makes a draft recommendation that the Commission should inform the complainant of the names of the persons who made the submissions and of the trade association representatives who attended the meeting in question.