

The European Commission's refusal to grant public access to emails from a staff member concerning decision making on the EU Copyright Directive

Case 1050/2018/DL - **Opened on** 10/10/2018 - **Decision on** 29/04/2020 - **Institution concerned** European Commission (Maladministration found) |

The complaint concerned the refusal by the European Commission to grant public access to emails from a staff member concerning decision making on the EU Copyright Directive. The Commission refused to disclose the emails, arguing that they contained private data.

The Ombudsman found that emails concerning professional matters, such as the legislative process on a specific legislative proposal, do not constitute private data. Since a person cannot infringe their own privacy rights, the Ombudsman proposed, as a solution, that the staff member concerned identify emails falling under the complainant's request. The Commission should then consider whether it could disclose these, taking into account the provisions of and exceptions provided for under the EU's rules on public access to documents.

The Commission did not accept the Ombudsman's solution proposal. The Ombudsman therefore closed her inquiry with a finding of maladministration.