



## Decision in case 1/2020/MIG on the European Economic and Social Committee's refusal of public access to documents concerning travel expenses related to an official trip to China

Decision

**Case 1/2020/MIG - Opened on 14/01/2020 - Decision on 23/07/2020 - Institution concerned** European Economic and Social Committee ( Solution achieved ) |

The case concerned a business trip of a delegation from the European Economic and Social Committee (EESC) to participate in an event that took place in Shanghai, China, in July 2019. The complainant sought access to, amongst other things, certain flight details of the participants. The EESC considered that the complainant was seeking public access to the participants' flight tickets, which it refused relying on the need to protect personal data.

When assessing the complainant's request, the EESC had compiled the participants' flight details in a table. The Ombudsman found that releasing an anonymised version of this table would satisfy the complainant's request, while not undermining the protection of the participants' personal data. The Ombudsman therefore proposed that the EESC should disclose an anonymised version of the table. The EESC then modified the table to ensure that the participants would not be identifiable and agreed to release this version of the table to the complainant.

The Ombudsman welcomes the EESC's decision to follow her proposal for a solution. She closes the inquiry with a suggestion for improvement, encouraging the EESC to establish a policy on the proactive transparency of members' travel expenses.

Background to the complaint

- 1.** The complainant, a journalist, sought public access to documents [1] containing information related to a meeting of the EU-China Civil Society Round Table in Shanghai, China, ('the Round Table'), which a delegation from the EESC had attended in July 2019. [2] The information which the complainant sought included details of the participants' flights, namely ticket costs and seating class.
- 2.** The EESC identified the individual flight tickets of the EESC delegation, but refused to disclose them as it considered that this would undermine the privacy of the members and staff concerned. [3] However, the EESC, informed the complainant about the total amount of the travel expenses of all participants. It also provided the complainant with a table showing the flight details of two members. It did so because the two members concerned had given their consent to the disclosure of this information.



3. In December 2019, the complainant turned to the Ombudsman, arguing that the information disclosed for the two members (who had consented to the disclosure) should be disclosed in respect of all the other participants.

4. The Ombudsman opened an inquiry into the EESC's refusal of public access to the flight tickets in question. In the course of the inquiry, the Ombudsman's inquiry team inspected the full version of the table showing the flight details, flight costs and seating class for all members of the EESC delegation.

## **The Ombudsman's proposal for a solution**

5. The Ombudsman noted that the complainant had not expressed any need, or interest, in having access to the flight tickets of the participants. Rather, the complainant had made his request for public access to obtain information on the ticket costs and seating class of the participants.

6. Following the review of the full version of the table compiled by the EESC, showing details of the participant's flights, the Ombudsman found that the table contained the information which the complainant was seeking. She considered that releasing an anonymised version of the table would appear to satisfy the complainant's request, while avoiding any disclosure of personal data.

7. The Ombudsman therefore made the following proposal for a solution:

**The European Economic and Social Committee should disclose an anonymised version of the table compiling the flight details of the participants of the Round Table, removing any information that it considers would allow for the identification of the data subjects. [4]**

8. The EESC reconsidered its position in light of the Ombudsman's proposal for a solution. It agreed to release an anonymised version of the table, including the participants' individual flight costs and seating class. To this end, it removed the participants' names and their flight routes from the table. [5]

9. The complainant was given the opportunity to provide comments on the Ombudsman's proposal for a solution and the EESC's reply to it, but did not do so.

## **The Ombudsman's assessment after the proposal for a solution**

10. The Ombudsman considers that the EESC has followed her proposal for a solution by releasing an anonymised version of the table as indicated in her proposal.



**11.** The Ombudsman welcomes the EESC's positive response to her solution and considers that the complaint has been resolved.

**12.** The Ombudsman also considers that the present case raises a broader issue of transparency, trust and legitimacy which the EESC should take the opportunity to address, taking due account of the need to protect personal data.

**13.** Given that the expenses at issue in this case are, ultimately, funded by EU citizens, it is only natural that the public takes an interest in how this money is used. The Ombudsman is therefore of the opinion that, to boost transparency and build citizens' trust, some key information regarding the EESC members' expenses should, in future, be published proactively.

**14.** The Ombudsman notes that the EESC proactively publishes a significant amount of information on major events in which its members participate [6] , which is commendable. This information includes information on the event location, the event programme and speeches given by its members. However, it does not encompass information on the expenses incurred in relation to those major events.

**15.** Other EU institutions have already acknowledged the need for and importance of transparency not only regarding the substance of their work but also the costs related to attendance at meetings and events. The European Commission, for example, publishes - at regular intervals - an overview of mission expenses for each of its members. [7]

**16.** The Ombudsman considers that a policy of publishing information on expenses related to attendance at major events to be good administrative practice that helps to achieve the goal of greater transparency. The Ombudsman will therefore make a suggestion for improvement below.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

**The European Economic and Social Committee has settled the complaint by releasing an anonymised version of the table compiling the flight details of the participants of the Round Table.**

The complainant and the European Economic and Social Committee will be informed of this decision .

Suggestion for improvement

**Based on the above findings, the Ombudsman suggests that the European Economic and Social Committee should consider adopting a policy of proactive publication of information on travel expenses, particularly those incurred by its members in relation to attendance at major events.**

Emily O'Reilly European Ombudsman



Strasbourg, 23/07/2020

[1] Under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN> .

[2] The 17th meeting of the EU-China Civil Society Round Table, for more information, visit:

<https://www.eesc.europa.eu/en/agenda/our-events/events/17th-meeting-eu-china-round-table>

[3] In accordance with Article 4(1)(b) of Regulation 1049/2001.

[4] The full text of the Ombudsman's proposal for a solution is available at:

<https://www.ombudsman.europa.eu/solution/130528> .

[5] The full text of the EESC's reply to the Ombudsman's proposal for a solution is available at:

<https://www.ombudsman.europa.eu/correspondence/130529> .

[6] For example, for information on the 17th EU-China Round Table, see footnote 2.

[7] Article 6(2) of the Code of Conduct for the Members of the European Commission, available at:

[https://ec.europa.eu/info/sites/info/files/code-of-conduct-for-commissioners-2018\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/code-of-conduct-for-commissioners-2018_en_0.pdf) .