

## The European Commission's refusal to give full public access to declarations of interests by the members of its Regulatory Scrutiny Board

Case opened

**Case** 74/2023/MIK - **Opened on** 17/01/2023 - **Decision on** 02/10/2023 - **Institution concerned** European Commission ( Solution achieved ) |

Head of Unit - C2

Secretariat-General

European Commission

Dear Mr X,

The Ombudsman has received a complaint against the European Commission concerning its decision on the complainant's request for public access to documents registered under GestDem 2022/3144.

Specifically, the Commission identified six declarations of interests signed by (former and current) members of its Regulatory Scrutiny Board as falling within the scope of the complainant's request. It granted the complainant partial access to these documents, redacting personal data and removing parts which it considered to fall outside the scope of the request.

The complainant is dissatisfied with the access granted. He considers that there is a public interest in disclosure of the personal data at issue, namely in knowing what (potential or actual) conflicts of interest the board members might have and, where such conflicts have been identified, to be able to scrutinise whether appropriate mitigating measures have been taken. The complainant also argues that the documents are covered by his request in their entirety.

We have decided to open an inquiry into the complaint against the Commission's refusal to grant full public access under Regulation 1049/2001.

Regulation 1049/2001 states that applications for access should be handled promptly. It is in



line with this principle that the Ombudsman also seeks to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the six documents at issue in the complainant's access request. We would be grateful if you could provide us with copies of these documents, preferably in electronic format through encrypted e-mail, [1] **by 24 January 2023** .

The documents subject to the public access request will be treated confidentially, along with any other material the Commission chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

The Commission's position has been set out in its confirmatory response of 12 December 2022. However, should the Commission wish to provide additional views, to be taken into account by the Ombudsman during this inquiry, we would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, **by 7 February 2023** .

The inquiries officers responsible for the case are Ms Michaela Gehring and Mr Michał Krajewski.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 17/01/2023

[1] Encrypted emails can be sent to our dedicated mailbox.