

Reply of the European Commission to the European Ombudsman Complaint on the European Commission's decision to no longer publish the names of all staff members in the online directory of EU staff ('Whoiswho').
ref. 1983/2023/EMT

I. BACKGROUND/SUMMARY OF THE FACTS/HISTORY

On 12 June 2023, the NGO Civil Society Europe sent via email a letter to the European Commission. The letter was co-signed by 110 European civil society organisations, expressing their concerns about the decision of the European Commission to delete personal staff data below Head of Unit level from the EU Whoiswho portal, the official Directory of the European Union. In this letter, Civil Society Europe called upon the Commission to consider restoring the deleted details of civil servants. The letter was addressed to Vice-President JOUROVÁ and Commissioner HAHN.

On 23 June 2023, Civil Society Europe followed up to the first email, asking for an acknowledgement of reception of the letter and soliciting a reply. Given to the lack of a timely response by the Commission, Civil Society Europe filed a first complaint to the European Ombudsman on 27 July 2023, after which the Ombudsman decided to open an inquiry (CASE 1422/2023/AV) focused on the EC's failure to reply.

Vice-President JOUROVÁ replied to the applicant on Monday 11 September 2023 explaining the reasoning of the change in the Commission's contact details available on the EU WhoisWho directory (Ares(2023)6148199). However, Civil Society Europe deemed that, in its reply, the Commission failed to address the core issue of the matter, which is the reduction of the overall transparency and accountability of the Commission by falling short of the commitment and duty of maintaining an open access to its activities to the benefit of citizens and stakeholders.

II. EUROPEAN OMBUDSMAN'S INQUIRY

The Ombudsman had decided to open an inquiry into this complaint and concluded that it would be useful to receive a reply from the Commission to the three questions listed below. To be noted that the European Ombudsman is likely going to send the Commission's reply and related enclosures to the complainant for comments.

III. THE REPLY OF THE EUROPEAN COMMISSION

Governance structure of the EU Whoiswho Directory

The EU Whoiswho site is available under the portal platform of the Publications Office of the European Union: [Official directory of the European Union - EU Whoiswho - Publications Office of the EU](#) (europa.eu). The EU Whoiswho is supervised by the EU Official Directory Steering Committee, which was established in 1990 under the authority of the OP Management Committee. It is composed of representatives of EU Institutions. Its objective is to coordinate and standardise the content of EU Whoiswho official directory via exchange of good practices, ensuring principles of data reuse, while respecting data protection legislation in force.¹ The

¹ Regulation (EU) 2018/1725 - [EUR-Lex - 32018R1725 - EN - EUR-Lex \(europa.eu\)](#).

level of detail provided in EU Whoiswho for the staff of each institution is a matter within the discretion of the institution concerned.

Question 1

Could the Commission provide a detailed explanation of the reasons for the decision, what factors it took into account and what procedure it followed in making the decision? In what way did it consult internally or externally before taking the decision?

Answer:

Before April 2023, the Commission published in the EU Whoiswho initials, surname, gender, function and corporate fixed line extension of all statutory staff.

This approach was decided a long time ago in line with the principle of open Union decision making (Art. 103(3) TEU) to allow both citizens and representative associations to ‘make known and publicly exchange their views in all areas of Union action’ (Art. 11 (1) TEU).

Alongside these principles, the Commission also has the duty to protect its staff, including those dealing with sensitive files. The number of colleagues dealing with sensitive matters has significantly grown over the years, in line with the additional tasks and responsibilities assigned to the Commission as a result of successive crises (COVID crisis, energy crisis, Russian war of aggression against Ukraine, sanctions against Russia, etc.). This situation has been exacerbated by the international challenges faced by the Union, which might have repercussions on Commission staff.

It is general practice that the responsibility of representing the Commission vis-à-vis external stakeholders lies with the staff occupying management positions in the Commission and not with all staff.

Following a number of incidents reported to senior management having affected staff members in charge of sensitive files, internal discussions took place among the senior management of the Secretariat-General. Upon the proposal of the Deputy Secretary-General/Chief Operating Officer of the Commission and in agreement with the President’s cabinet, it was decided to review the level of transparency applied in the EU Whoiswho portal to the different categories of staff. This review took into account their function and tasks, based on the elements listed below:

- A balance of interests has to be done between transparency of information towards the general public and the security of Commission staff. The Commission has a duty of care and has to apply due diligence to protect its staff, including those dealing with sensitive files. The list of such sensitive files has grown over time and covers issues like those relating to the rule of law, the screening of foreign investments, the purchase of vaccines, the regulation of the digital services act, the purchase of gas, sanctions against third countries, sensitive trade negotiations, etc.). The Commission has the duty to avoid that these staff members are subject to undue pressure in their work from external sources. By using the search function in the Whoiswho portal, these colleagues used to be easily identifiable in the past and could easily be contacted and receive unsolicited calls and messages.

- The decision safeguards the rights of Commission staff in relation to their personal data, in accordance with the data protection rules laid down in [Regulation \(EU\) 2018/1725](#). Furthermore, it responds to the requests that were submitted by several Commission staff members to remove their names from the EU Whoiswho directory.
- The European Commission continues to respect the principles of transparency and accountability as the names and contact details of staff occupying management positions, e.g. heads of units, advisers, directors, deputy-directors general and directors-general, remain in full accessible to the public. This approach of making available to the public contact details of managers is identical to the one implemented in the context of access to documents: [Regulation \(EC\) No 1049/2001](#) has long been implemented by limiting public access to personal data of staff occupying management positions, ‘blanketing’ all contact details of staff not occupying such positions in line with the Commission’s duty of care and the protection of personal data.
- Furthermore, in order to enhance transparency of contact details of managers, the Commission has recently decided to add the professional email addresses of such staff as part of the contact details available on the Whoiswho directory.
- Information on the structure of sectors existing in Commission’s units has been kept and is displayed in the Whoiswho directory.
- Full access to the contact details of members of the Commission and the respective Cabinet members remains available to the general public.
- By implementing this approach, the Commission has aligned its practice to the one followed by the European Parliament and the General Secretariat of the Council who do not publish contact details of their staff below management level (except for some advisers and senior officials).
- Equally, international organisations and the majority of national administrations publish only the organisation chart, the contacts of the spokespersons and of the senior managers (e.g. United Nations, Organisation for Security and Cooperation in Europe, the Belgian Federal Administration, Dutch national administration, etc.). Others, like the Council of Europe, do not provide contact details of any of their staff. Therefore, the Commission considers that it remains faithful to the principles of transparency and good public administration also comparing to these practices.

Question 2

The Commission publicly stated that one of the reasons behind the decision was to prevent staff members from being subject to “undue pressure from external sources”. What evidence did the Commission have that the publication of contact details led to such pressure? How was the extent of this problem assessed? Did it consider other measures to address unsolicited contact from external sources?

Answer:

Several cases of external undue influence on non-managerial staff (phone calls and electronic messages) were reported orally to the senior management of the Secretariat-General, which

prompted an internal reflection on the level of detail of the contact details to be provided to external stakeholders as regards Commission staff.

As the contact details of the staff concerned was freely available on Whoiswho, it was clearly inferred that the greater the extent to which personal information is available, the more individual staff members could be exposed to the risk of undue external influence. By using the search function available in the Whoiswho, it was made possible to identify staff members working on any file, including sensitive ones, and to retrieve their personal contact details.

For example, a number of policy officers working in different Commission departments on issues relating to the rule of law have been identified by external stakeholders and contacted; their personal details were also mentioned in the media. In one case, a staff member had to ask for individual assistance of the Commission central services, and in another one, with much wider ramifications, an intervention was needed to reassure colleagues who feared they might be individually targeted by undue external influence. There were also cases where Members of the European Parliament identified the individual names of staff working on specific files, asking for the colleagues in charge to be dismissed.

Assistance from the Commission central services was provided on an individual basis to targeted staff members.

Question 3

The Commission claims to be aligning practices with other institutions. Could the Commission elaborate on this and explain what assessment it conducted with other institutions to evaluate the merits of such alignment?

Answer:

The EU Whoiswho publishes contact details of staff of the EU institutions, as provided by these institutions and other EU bodies. There are differences in the level of details published by each institution and the nature of such details may be quite different within an institution, depending on its internal organisation and on the profile of the person concerned. It is up to each institution to decide on the information to be published.

The issue of lack of harmonisation in the data made public across the institutions was discussed at the Publication Office Management Committee meeting on 13 May 2022², along with the need to address the request of Commission staff who did not wish their personal data to be accessible by external users. To better allow automated data input and to improve its quality, it was decided to aim for further harmonisation among the institutions and listed agencies.

After exchanges the Deputy Secretary-General and Chief Operating Officer of the European Commission had with his counterparts at the European Parliament and General Secretariat of the Council, the Commission aligned its approach with the long-standing practice of the two other mentioned institutions and limited the publication of names and contact details in the EU Whoiswho to staff occupying management positions, e.g. heads of units and above.

² CD(2022)49 Sommaire des conclusions de la réunion du Comité de direction "Suppléants" du 13 mai 2022, Ares(2022)4636474.

The Commission considers that this approach strikes the right balance between the Commission's duty of care towards its staff and the transparency and accountability of its activities, to which it is committed.