

Der Generalsekretär

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REGISTERED LETTER
WITH ACKNOWLEDGEMENT OF RECEIPT

Ms Luisa Izuzquiza
Mr Arne Semsrott
Mr Stefan Wehrmeyer
FragDenStaat | Open Knowledge Foundation Deutschland e.V.
Singerstr. 109
10179 Berlin
Germany

Subject: Your application for public access to documents
Our reference: **A(2021)10718** (to be quoted in any future correspondence)

Dear Ms Izuzquiza, Mr Semsrott, Mr Wehrmeyer,

On 8 December 2021, the European Parliament registered your application, based on Regulation (EC) No 1049/2001¹, for public access to all documents, including correspondence, from 7 October 2020 to date, related to allowances, including the parliamentary assistance allowance, accorded to Mr Ioannis Lagos MEP.

On 17 January 2022, you agreed to reduce the scope of your application to documents dated from 7 October 2020 to 7 March 2021.

Your application has been examined in light of Regulation (EC) No 1049/2001 laying down the terms and conditions for public access to the documents of Parliament, Council and Commission, as well as Regulation (EU) 2018/1725² on the processing of personal data by Union institutions and bodies.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

Assessment of your application

Parliament is able to extract information about the payment of allowances and salaries from an electronic database. This is also the case with regard to allowances received by Mr Lagos in the time period covered by your application. Parliament has also identified correspondence related to Mr Lagos' allowances as falling within the scope of your application.

Specifically, Parliament has verified that it holds approximately 93 documents that fall within the scope of your application, including:

- 1) about 30 salary statements for Mr Lagos' assistants;
- 2) about 30 travel reimbursement statements for Mr Lagos' assistants;
- 3) six bonus statements for Mr Lagos' assistants;
- 4) five payslips, one indexation-related document and one income attestation regarding Mr Lagos;
- 5) documents related to reimbursements for medical expenses;
- 6) documents related to the daily subsistence allowance;
- 7) about 10 documents related to reimbursements for travel; and
- 8) a number of items of correspondence related to the above documents.

The documents identified in light of your application contain information about the salary, travel and medical expenses of identified natural persons, i.e. Mr Lagos and his assistants, which constitutes personal data within the meaning of Regulation (EU) 2018/1725.

The protection of privacy and the integrity of the individual

In accordance with point (b) of Article 4(1) of Regulation (EC) No 1049/2001, access to a document shall be refused where this would undermine the protection of personal data. This would notably be the case if personal data were transmitted in breach of Regulation (EU) 2018/1725. Specifically, point (b) of Article 9(1) of that Regulation requires that recipients other than Union institutions may only receive personal data if they demonstrate that such transmission is necessary for a specific purpose in the public interest.

In your application you acknowledge the public availability of information on MEPs' salary and allowances, including the parliamentary assistance allowance. This information includes exact amounts and the precise conditions under which allowances are paid out. The only information regarding MEPs' allowances that is not publicly available concerns individual expenses and payments, for example the date and price of a plane ticket, and differences in salary due to personal circumstances such as the existence of dependent children.

You argue that public access to documents regarding individual allowance and salary payments is necessary for the purposes of public scrutiny and accountability of MEPs. However, given the public availability of information on MEPs' allowances noted above, the public is fully aware of MEPs' remuneration and the resources they have at their disposal for the purpose of their work.

While public access to documents related to individual payments would indeed amount to even greater transparency, such close scrutiny of an individual's personal financial data (and precise travel details) is, in a democratic society, carried out by designated impartial authorities and bodies, in particular with a view to investigating possible instances of improper or illegal behaviour. This ensures trustworthy and proportionate responses to wrongdoing and protects individuals from partisan persecution.

It is therefore not proportionate to make detailed personal financial data publicly available in order to facilitate close public scrutiny of individuals by members of the general public or the press who suspect those individuals of wrongdoing beyond that determined or currently investigated by the appropriate authorities. In this context, you assert that Mr Lagos' criminal convictions justify lowering the normal standards of the protection of his personal financial data and that of his assistants. However, under Regulations (EC) No 1049/2001 and (EU) 2018/1725, the existence of a criminal conviction does not impact the right to privacy and integrity of the individual. In addition, the documents in question exclusively date from after Mr Lagos' convictions and cannot, therefore, be related to the substance of those convictions.

Lastly, you assert that the requested documents would further the public's understanding of the procedure under which Parliament treats requests for the waiver of MEPs' immunity. However, in Parliament's view, the documents in question are not related to that procedure.

For these reasons, Parliament considers that the conditions under point (b) of Article 9(1) of Regulation (EU) 2018/1725 for the transmission of personal data have not been satisfied and that the exception regarding the protection of privacy and integrity of the individual applies to the documents identified as falling under the scope of your application.

Partial access

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, the parts of a document not covered by any of the exceptions shall be released.

Given the large degree to which information on MEPs' salary and allowances is publicly available, virtually all the non-public information contained in the documents in question is covered by the exception identified above. As a result, the blanking out of the relevant parts of the documents would leave them resembling administrative templates. To illustrate this aspect, and since many of the documents in question are indeed based on templates, you may find some examples in an annex to this response.

In view of the above, Parliament has concluded that, insofar as the exceptions identified above do not apply to the entirety of the documents in question, partial access would not respond to the purpose of your application. For the same reasons, and since the number of document pages concerned would be considerable, granting partial access would also constitute an excessive administrative burden, in particular taking into consideration the time-limits under Regulation (EC) No 1049/2001.

Conclusion

In view of the foregoing, and in accordance with point (b) of Article 4(1) of Regulation (EC) No 1049/2001, read in conjunction with Union legislation regarding the protection of personal data, Parliament refuses access to documents, including correspondence, related to allowances, including the parliamentary assistance allowance, granted to Mr Lagos by the European Parliament.

Parliament informs you that in conformity with Article 7(2) of Regulation (EC) No 1049/2001 you may, within 15 working days of receiving this letter, introduce a confirmatory application requesting Parliament to reconsider its position.

Yours sincerely,



Klaus WELLE

Annexes