

EN  
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Answer given by Mr Reynders  
on behalf of the European Commission  
(3.3.2021)

The names of members of government expert panels and similar bodies are personal data within the meaning of Article 4(1) of the General Data Protection Regulation (EU) 2016/679 (GDPR)<sup>1</sup>. That fact does not necessarily preclude their disclosure in reply to requests for access to documents.

Article 86 GDPR addresses this situation by stating that personal data may be disclosed in accordance with Union or Member State law to which the public authority or body holding the data is subject in order to reconcile public access to official documents and the right and freedoms pursuant to the GDPR.

In the case of Spain, the relevant law is Ley 19/2013, de 9 de diciembre, de transparencia, acceso a la información pública y buen gobierno (transparency act)<sup>2</sup>, notably its Article 15. Without prejudice to the role of the Commission as guardian of the Treaties, the interpretation of the Spanish transparency act is for the national courts to make.

The Commission understands that, in the meantime, the names of the members of the expert panel have been made public by the Spanish government.

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<sup>1</sup> <https://eur-lex.europa.eu/eli/reg/2016/679>

<sup>2</sup> <https://www.boe.es/eli/es/l/2013/12/09/19/con>