World **Youth** Alliance Europe

Reply to Formal Notification FNEU-947641113-101134732-7 regarding Art. 15.2 Data processing by the beneficiaries

Project: ERASMUS+ 101134732 — WHGD

Dear Ms. Beernaerts,

We acknowledge receipt of your letter dated December 15 concerning project 101134732 — WHGD and we note that this communication reflects a substantially different legal analysis than the EACEA's earlier correspondence on this matter. In particular, your previous letters from November 2025 relied exclusively on consent as the purported sole lawful basis for processing, asserting that publication was unlawful "unless we are mistaken," and urged us to "immediately remove" the names in question, accompanied by references to the possible application of measures under Chapter 5 of the Grant Agreement should we fail to do so.

By contrast, your present letter speaks of "constructive cooperation," and invites us to address the matter "promptly". The change in both tone and substance is evident.

In the spirit of constructive cooperation, and without prejudice to our legal position, we confirm that we have executed the redaction of the names of EACEA staff members from the publications concerned:

World Youth Alliance Europe: Response to the EACEA Grant Review Letters

EU Agency Misapplies EU Law

We do so as a gesture of institutional courtesy and good faith, and in order to avoid further disproportionate expenditure of time and resources on a collateral dispute that does not advance resolution of the substantive issues raised by the underlying review decisions.

It is, however, equally important to state clearly that our decision to redact should not be understood as acceptance of your interpretation of the GDPR, your assessment of our compliance, or the legal conclusions set out in your letter. On a number of essential points, we disagree fundamentally, and we consider it necessary to place those disagreements on record. We reserve all rights should this matter ever be examined by a competent supervisory authority or judicial body.

We also consider it necessary to clarify why the identification of the external experts involved in the review process is of particular importance and why we fundamentally disagree with the premise that their names should be treated as incidental or irrelevant. Under EU law, Commission guidance, and Ombudsman practice, a conflict of interest

exists where the impartial and objective exercise of functions may reasonably appear to be compromised. This expressly includes non-financial conflicts, such as:

- prior advocacy and ideological commitments;
- publicly expressed normative positions that pre-judge the subject matter;
- institutional affiliations and professional loyalties.

A purely financial test is legally inadequate. Once evaluator independence is credibly in question:

- transparency interests increase significantly;
- the legitimate interest in identifying evaluators strengthens;
- claims about "reasonable expectations of anonymity" carry far less weight, especially for external experts exercising delegated evaluative authority in a high-stakes procedure.

We cannot be expected to meaningfully challenge bias in a funding review while being prevented from identifying and analysing the background of those responsible for the evaluative judgments.

The review reports explicitly rely on the authority and conclusions of these experts, whose assessments are presented as determinative in establishing the alleged non-compliance with EU values. Indeed, the reports state that "the work of experts identified a reference frame of guidance beyond the general framework of the TFEU, the EU Financial Regulation and the grant agreements themselves." This reliance on external expertise is not a peripheral aspect of the review; it is central to the reasoning and outcome. Where a review hinges on expert authority, transparency as to who those experts are, what perspective they bring, and on what basis their assessments are made is an essential element of accountability. This is particularly so where the experts' work is used to introduce non-binding policy documents, soft-law instruments, or contested interpretative frameworks as de facto benchmarks for compliance with EU values. From our perspective, this constitutes one of the core problems of the review process itself. In that context, the identity of the experts cannot reasonably be treated as neutral or detachable personal data, but forms part of the substantive basis on which the conclusions were reached and against which those conclusions must be open to scrutiny and criticism.

At the outset, we must recall that your letter represents the legal position of EACEA. It does not constitute an authoritative or binding determination of GDPR compliance. Under Regulation (EU) 2016/679, the assessment of whether a particular processing operation satisfies Article 6(1)(f), including the balancing of interests, lies with the

controller in the first instance and is subject to review by the competent supervisory authorities and, ultimately, the courts. EACEA is neither a supervisory authority nor a judicial body. While we took note of your legal views, we do not accept the premise that EACEA may unilaterally substitute its own assessment for that of the controller (which is the World Youth Alliance Europe in this case) or declare the processing unlawful as a matter of binding legal effect.

We must express serious doubts as to the good faith of the renewed reliance on Article 15.2 of the Grant Agreement and the repeated references to the possible suspension, reduction, or termination of the grant. As we have already explained, EACEA is not competent to issue binding determinations on GDPR compliance, yet contractual sanctions are again invoked despite the absence of any finding by a competent supervisory authority. This is all the more concerning given that the data at issue were not collected or processed in the context of project activities and it does not concern data of the project attendees, but consist of official EACEA communications adopted in the exercise of public authority and subsequently subjected to lawful public criticism. In these circumstances, the invocation of grant-management measures cannot reasonably be understood as a neutral compliance safeguard and instead we can only perceive it as pressure applied in response to criticism of the Agency's own decisions.

Turning to the substance, we maintain that our reliance on Article 6(1)(f) GDPR was neither casual nor ill-considered. Our legitimate interest was not a vague appeal to transparency in the abstract, but the concrete and pressing interest of explaining to our members and to the public how an EU agency exercised public authority in a procedure that culminated in serious allegations against our organisation, including alleged breaches of fundamental EU values. In that context, publication of the documents in full, including the identification of the officials who formally exercised delegated authority by signing the decisions, served the legitimate aim of accountability and traceability in public administration.

Contrary to what is suggested in your letter, the identification of signatories is not rendered "pointless" by the fact that the decision represents the Agency's position. Institutional responsibility and individual attribution are not mutually exclusive concepts in EU administrative law. On the contrary, traceability of decision-making, including the identification of those who formally assume responsibility under delegated powers, is a well-established element of lawful and accountable administration. We did not present the decisions as personal opinions or views, nor did we attribute personal motives or fault; we presented them precisely as institutional acts taken by identifiable agents of a public authority acting within their official remit.

It is also difficult to overlook the stark disproportionality between the gravity of the allegations advanced by EACEA against World Youth Alliance Europe and the insistence on anonymity for those making them. Through the review reports and accompanying correspondence, EACEA staff have alleged breaches of fundamental EU values, ethical standards, and obligations under the Grant Agreement, thereby calling into question our organisation's integrity, legitimacy, and continued eligibility for Union funding. These are serious accusations with significant reputational consequences. In that context, it is striking that the same officials now invoke personal protection arguments to shield their identities from public association with the very decisions and assessments they have formally adopted. Since we now have the privilege of communicating directly with the Director of the EACEA, we would respectfully suggest that closer attention be paid to the substance and proportionality of the allegations being made by her services against a civil society organisation for holding and expressing legitimate views, rather than to lawful, non-defamatory criticism of an EU agency.

In this context, we also wish to state unambiguously that the article entitled "EU Agency Misapplies EU Law" constitutes nothing more than legitimate criticism of an administrative authority's legal reasoning and application of EU law. It does not target individuals, attribute improper motives, or go beyond the bounds of factual and legal argument. Such criticism lies at the core of democratic accountability and public-interest discourse, and it cannot reasonably be recharacterised as anything else simply because it is unwelcome by the agency concerned.

We also reject the suggestion that the redaction of the names and addresses of our own staff undermines the credibility or legitimacy of our transparency rationale. That comparison is legally and factually misplaced. While the individuals whose names were redacted are indeed project coordinators and contacts of World Youth Alliance Europe, their identification is not of the same relevance to the public interest pursued by the publication. The decision to redact was based on a contextual assessment of necessity and proportionality: their names do not perform the same accountability, traceability, or explanatory function in relation to the contested administrative decisions, nor do they bear the same significance for understanding how public authority was exercised. By contrast, our organisation does have publicly identifiable representatives who stand openly, with their names and faces, behind WYA's public positions, including in highly contentious debates and in the face of serious public allegations. The two situations are therefore not comparable, and the GDPR does not require symmetrical exposure of all data subjects irrespective of their role, function, or relevance to the legitimate interest pursued. The selective redaction of certain names cannot, in itself, be treated as evidence that publication of all names was unnecessary.

We also consider it necessary to clarify that, under EU administrative law, the identity of the person signing an administrative decision is not a trivial detail, but part of the formal features that support authenticity, traceability, and verification that the act is taken by a competent authority under delegation. These elements are intrinsic to the validity and accountability of administrative acts. In this sense, the name of the signatory cannot be equated with incidental personal data unrelated to the substance of the act; it forms part of the formal identity of the decision itself. Our publication did not elevate that identity into a personal narrative, nor did it attribute personal responsibility beyond what is inherent in the official act. It simply reflected the structure and content of the administrative decision as issued.

Your analysis relies heavily on the "reasonable expectations" of EACEA staff. With respect, this analysis considers only one side of the equation. Officials who sign review decisions that directly affect the legal, reputational, and financial position of third parties, and who do so in the context of publicly funded programmes, must reasonably expect their actions to be subject to public scrutiny and criticism, provided such criticism is accurate and non-defamatory. It is difficult to reconcile your position with the realities of democratic public administration to suggest that officials may reasonably expect anonymity precisely when exercising authority that carries significant consequences for others.

In this regard, we must respond in the strongest possible terms to your assertion that the publication of the names of EACEA staff "has a direct impact on their objectivity and decision-making" because they may feel threatened and therefore refrain from exercising their duties impartially. This claim is not only speculative and entirely unsupported by any evidence, but it also carries an implicit and unacceptable insinuation as to our intentions. World Youth Alliance Europe has never engaged in, encouraged, or condoned any form of intimidation, harassment, or pressure directed at public officials, and any suggestion to the contrary is firmly rejected.

The mere act of accurately reproducing an official decision and engaging in lawful, reasoned criticism of its content cannot reasonably be construed as creating a threatening environment, nor can it be presented as an expected or foreseeable outcome of publication. To suggest otherwise conflates public scrutiny with intimidation and risks undermining the very foundations of democratic accountability.

The implication that professional civil servants would be unable to discharge their duties objectively in the face of public criticism, absent any misconduct whatsoever, attributes to them a level of fragility that is incompatible with the responsibilities entrusted to public authorities. If the possibility of lawful public critique were sufficient to impair impartiality, the exercise of public power would have to be shielded from

scrutiny altogether, a conclusion that is manifestly incompatible with the principles of openness, accountability, and democratic governance on which the Union is founded.

We also note that, contrary to any qualifications about our legitimate interest assessment, World Youth Alliance Europe conducted a detailed and structured legitimate interest assessment prior to publication, addressing the purpose of the processing, its necessity, and the balancing of interests in light of the specific context. While we have provided EACEA with substantive explanations of the legitimate interest pursued and the reasons why we consider the processing lawful, we must be clear that the GDPR does not impose any obligation on a controller to disclose its internal compliance assessments to another EU body that is not a competent supervisory authority. The accountability principle requires that such assessments be available to data protection authorities or courts where appropriate; it does not confer a general entitlement on EACEA to demand or review internal GDPR documentation.

We must also formally reject the characterisation of the publication as a "personal data breach". Article 4(12) GDPR defines a personal data breach as "a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed." A deliberate publication carried out openly, on the basis of an asserted lawful ground and following legal consideration, does not meet that definition, regardless of whether another party disagrees with the controller's legal assessment. To describe this situation as a data breach is not merely inaccurate; it constitutes an unjustified escalation.

As regards your comments on information obligations under Articles 13 and 14 GDPR, we note that the data in question were provided to us directly by EACEA in official administrative communications. We did not do any kind of direct or indirect collecting operation and thus consider the claim that additional individual notification was required in the specific circumstances of public-interest expression not to be a logical and meaningful legal interpretation of the GDPR in this context. This is particularly so given that we do not possess direct contact details for all individuals concerned and that the data were processed strictly within their professional context, as agents of a public authority. This issue is far from settled and cannot be treated as self-evident.

We note that, aside from the communication from Ms. Mejer, we have not received any individual requests from the persons concerned, nor any communication from a competent supervisory authority.

We also consider it necessary to clarify that our decision to redact the names in question, taken as a gesture of cooperation and without prejudice to our legal position, does not imply any waiver of our right to address this matter publicly. In particular, we

reserve the right to explain, in our public communications, the context in which the redactions were made, the legal objections raised by EACEA, and our principled disagreement with the legal interpretation advanced in your letter. Transparency towards our members and the wider public requires that we remain free to explain why content was modified at the request of an EU agency and to articulate our understanding of the applicable legal framework. This reservation is an inherent consequence of our freedom of expression and of the public-interest nature of the issues involved, and it should not be understood as incompatible with our present decision to cooperate in practice. We trust that this clarification will allow us to move forward constructively.

In conclusion, we will redact the names in question in order to preserve a cooperative working relationship and to avoid further diversion from the substantive issues raised by the review decisions themselves. However, we want to make explicit that our decision to redact the names in question, does not limit or waive our right to continue to criticise the decisions adopted by EACEA, the procedures followed, or the legal interpretations advanced in your correspondence. As a civil society organisation directly affected by your Agency's actions, we remain entitled to engage in public criticism of EACEA's conduct, reasoning, and application of EU law.

Yours sincerely,

World Youth Alliance Europe team