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Warsaw, 22.01.2016

Request for access to Frontex documents

Dear Ms Maillet,

With reference to your confirmatory application received on January 04, 2016, I would like to inform you that unfortunately Frontex cannot grant your request for all debriefing interview forms from interviews conducted by Frontex with migrants intercepted during JO Hermes 2014.

Debriefing interviews carried out during Frontex coordinated Joint Operations aim at enhancing operational actions of Frontex and Member States through increased awareness and also at supporting criminal investigations in Member States by collecting relevant information. They contain detailed information on routes, *modus operandi* and involvement of facilitators and traffickers of human beings. The collection of information is conducted with the consent of the migrant being interviewed on a voluntary and anonymous basis, built on trust between the debriefing experts and the migrants. This is due to the fact that debriefing reports often contain sensitive information, whose disclosure may seriously jeopardize the confidential nature of the debriefing activities and impact negatively on the final outcome.

Access to those documents is refused pursuant to Article 4(1)(a) of Regulation No 1049/2001, as their disclosure would undermine the protection of the public interest as regards public security.

Indeed, the disclosure of information provided in confidence will put in question the confidentiality of the information provided in interviews in general. It may indeed lead to the possible identification of individual migrants and moreover it can create a perception that participation in debriefing interviews may put at risk the interviewee or their relatives. Ultimately, migrants will not be willing to take part in debriefing interviews resulting in poorer/less information available as a basis for Frontex operational actions.

Lastly, the disclosure of operational information which is the base for future joint operations jeopardizes the implementation of the coming operational activities at the external borders.

The aforementioned risks are reasonably foreseeable and therefore Frontex concluded that the disclosure of the documents requested undermines the protection of the public interest as regards public security. Frontex furthermore finds that the interests protected by the right for public access to documents cannot undermine the public interest as regards the public security of the citizens living within the European Union. In light of the above, Frontex confirms its previous decision.

In accordance with Article 8(1) of the above mentioned Regulation, you are entitled to institute court proceedings and/or make a complaint to the Ombudsman, under the relevant provisions of the TFEU.

Yours sincerely,



Sakari Vuorensola

Director of Corporate Governance Division