

Ms Lena Karamanidou

Email: ask+request-6855-36f8be67@asktheeu.org

Our ref: TO/CMS-2019-00004-0936

Warsaw, 24 May 2019

Your application for access to Frontex documents

Dear Ms Karamanidou,

In response to your application registered on 29 April 2019, asking for access to

1. *The minutes of the 17th and 18th Consultative Forum meetings.*
2. *All reports by the Fundamental Rights Officer to the Management Board issued since June 2018.*
3. *The following Serious Incident Reports:*
 - *SIR 384/2016*
 - *SIR 439/2016*
 - *SIR 487/2016*
 - *SIR 502/2016*
 - *SIR 520/2016*
 - *SIR 591/2017*
 - *SIR 606/2017*
 - *SIR 676/2017*
 - *SIR 788/2018*
 - *SIR 798/2018*

Please be informed that in regard to **points 1 and 2**, Frontex can grant you partial access to the documents. The non-disclosed parts of these documents contains personal data, in particular, the name of an individual. The disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) 1049/2001¹.

Kindly note that one document regarding **point 2** and the documents SIR 788/2018 and SIR 798/2018 quoted **under point 3** cannot be released since they pertain to currently ongoing investigations and their disclosure at the present stage would jeopardise the ability of Frontex and Member States to undertake these investigations. Consequently, access to these documents has to be refused based on Article 4(2) third indent of Regulation (EC) No 1049/2001 since disclosure would undermine the protection of the purpose of investigations. No overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of these documents is ascertainable in the present case.

¹ Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and COMMISSION documents (OJ L 145, 31.5.2001, p. 45).

As regards the remainder of the documents quoted under point 3, namely SIR 384/2016, SIR 439/2016, SIR 487/2016, SIR 502/2016, SIR 520/2016, SIR 591/2017, SIR 606/2017 and SIR 676/2017 Frontex can grant you partial access. Please note however that some limited parts of these documents fall under exceptions under Article 4 of Regulation (EC) No 1049/2001 and therefore had to be expunged with detailed justifications explained in the attached legend.

Kindly be reminded that the copyright of the documents rests with Frontex and making this work, communicated solely to you in this form and forum, available to third parties in this or another form without prior authorisation of Frontex is prohibited. Please note that Frontex does not assume liability stemming from the use or misuse of these documents.

Yours sincerely,



for AND ON
BEHALF
OF

Hervé Caniard

Head of Transparency Office

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, within 15 working days of the receipt of this letter, you may submit a confirmatory application to Frontex to reconsider its position. Based on Article 8 of Regulation (EC) No 1049/2001, Frontex will reply to you within 15 working days from registration of such application. You can submit your confirmatory application by post or electronically.

Attachments: (12 documents)

- Fundamental Rights Officer's Observations to return operations conducted in the 2nd Semester of 2018
- XXII FUNDAMENTAL RIGHTS OFFICER REPORT TO MANAGEMENT BOARD
- 17th Meeting Frontex Consultative Forum on Fundamental Rights
- SIR 384/2016
- SIR 439/2016
- SIR 487/2016
- SIR 502/2016
- SIR 520/2016
- SIR 591/2017
- SIR 606/2017
- SIR 676/2017
- Justifications legend