

Mr Giacomo Battiston

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Please quote when replying.

Warsaw, 23 September 2017

Request for access to documents held by Frontex

Dear Mr Battiston,

On 3 September you submitted an application for access to documents under the regime of Regulation (EC) No 1049/2001. In particular you asked for documents containing JO Triton (2014 - 2017) data from these variables in JORA: operation/year; detection date; search and rescue involved; incidents; total number of irregular migrants; death cases; irregular migrants in SAR cases; type of detected by; latitude detection; longitude detection; latitude interception; longitude interception; detection by Frontex financed/deployed asset; type of intercepted by; interception by Frontex financed/deployed asset; operational area; transport type; reference to op.area; Frontex financed/deployed asset during an incident.

On 14 September 2017, Frontex provided you partial access to the requested document, sending you a document with parts of the text redacted, and providing you the justifications for such partial access.

On 15 September 2017, you presented a confirmatory application of your initial request, alleging that

- The non-disclosed information (geographical coordinates) is most likely known to smugglers' organizations operating in the area,
- That it is unclear that a more clear access to rescue results in higher risk for migrants.

Frontex deems the partial access granted to you as justified, and the exceptions relied upon to defend non-disclosure of certain parts of the documents, as valid. Our initial decision is thus confirmed.

Indeed, ongoing and future operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years (as well as of the current year) would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of the ongoing operations, by depriving them of any strategy and element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as to prevent unauthorized border-crossings into the European Union.

Recalling the legislator's *rationale* expressed in the Preamble of Regulation 2016/1624 of 14 September 2016 on the European Border and Coast Guard, "*The Agency should be as transparent as possible about its activities, without jeopardising the attainment of the objective*".

In light of the above, the disclosure of the non-disclosed information contained in the document (the access to which was required) would undermine the protection of the public interest as regards public security, in the sense of Article 4(1)(a) of Regulation (EC) No 1049/2001.

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

Yours sincerely,



Sakari Vuorensola

 Director Corporate Governance