

Ms Ute Gerbershagen

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Our ref: CGO/LAU/26847/2017
Please quote when replying.

Warsaw, 8 December 2017

Request for access to Frontex documents

Dear Ms Gerbershagen,

With reference to your request initially received on 22 November 2017, requesting:

Is it possible to narrow the request by asking for only those Serious Incident Reports that include references to merchant ships, in any of the following three categories, 1) reporting unit/person, 2) original informant, 3) fact of the case.

Considering the different references to merchant ships this request would include mention of any reference to merchant ships, commercial ships, MV, M/V, mv, m/v, or specific merchant ship name.

I am pleased to inform you that Frontex agrees to grant you access. You may find the documents in attachment.

Please note, however, that some limited parts of the documents you have requested fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001 of 30 May 2001, and have, therefore, been blanked out as they contain personal data and names of assets.

Personal data: The non-disclosed text contains personal data, in particular the names of individuals. Its disclosure would affect the privacy and integrity of the individuals and is therefore precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.

Assets: disclosing information on any details related to technical equipment deployed in the current and ongoing operations would be tantamount to revealing weaknesses and strengths of the operations and opening way for abuse, including by the smuggling networks who would change their modus operandi accordingly. The result of this will only be to hamper the course of ongoing and future similar operations, ultimately obstructing their purpose and the efforts made by the EU and its Member States to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) of Regulation No 1049/2001.

Please be reminded that the copyright of the documents rests with Frontex and that the existing rules on copyright may limit your right to reproduce or exploit the released documents.

Yours sincerely,

signed

Hervé Caniard
Head of Transparency Office

12 Attachments:

- SIR 12 (2p)
- SIR 36 (2p)
- SIR 43 (2p)
- SIR 44 (2p)
- SIR 45 (2p)
- SIR 97 (2p)
- SIR 101 (2p)
- SIR 398 (4p)
- SIR 431 (3p)
- SIR 432 (2p)
- SIR 577 (2p)
- SIR 578 (2p)

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may present a confirmatory application. This confirmatory application, in which you may ask for reconsideration of your original request is to be made within 15 working days of receiving our reply. If you make such an application, within 15 working days, you will either be granted access to the document or our intention to refuse access, as explained above, will be confirmed. The confirmatory application can be sent by post or electronically.