Ms Monika Halkort  
Email: monika.halkort@lau.edu.lb

Our ref:CGO/LPU/CMS-2018-00010-0253

Warsaw, 22 November 2018

Your application for access to Frontex documents

Dear Ms Halkort,

In response to your application of 19 October 2018, for which proof of eligibility was established on 29 October 2018, asking for access to

An update on the previously shared dataset on boats rescued or intercepted by Joint Operation TRITON between 2014 and 2018 (as far as available for now), including the following variables:

- 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 Country of departure of the rescued boat

And a dataset for all EUNAVFORMED/Sophia Operations with the same variables and for the timeframe between 2015 - 2018 (as far as available),

please be informed that Frontex does not hold datasets with the same variables and timeframes for EU Common Security and Defence Policy Mission EUNAVFORMED/Sophia.

Concerning the datasets held by Frontex, I am pleased to inform you that partial access can be granted. In this regard, kindly note that the following variables

- Latitude detection
- Longitude detection
- Latitude interception
- Longitude interception
- Operational area
- Reference to op.area

refer to specificalities of the the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing the coordinates of previous operational areas would be tantamount to disclosing the current operational areas. This would benefit the smuggling and other criminal networks that would change their modus operandi accordingly, thus providing them with intelligence, and contributing to putting the life of migrants in danger. Consequently, the course of ongoing operations would be hampered by depriving officials of any strategy and element of surprise which could be exercised during border surveillance, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of those six variables would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001¹.

Furthermore, information concerning the following variables

- Type of detected by
- Transport type
- Type of intercepted by

cannot be released as they refer to technical equipment deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type and capabilities of the equipment as well as their usual position, which would open way for abuse, as numbers and types of equipment used in previous operations are indicative of similar numbers in types for succeeding years. The result of releasing such information would benefit the smuggling and other criminal networks that would change their modus operandi accordingly and result in hampering the course of ongoing and future similar operations, ultimately obstructing their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of these variables would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

As regards the variable

- Country of departure of the rescued boat

please note that information on this variable cannot be disclosed as this information pertains to information crucial for situational awareness at the external borders of the EU which is used for the development of risk analysis and, in turn, the Agency’s operational decision-making. Releasing information crucial for situational awareness for the 2014 to 2018 period still has a direct impact on the currently ongoing operations and would hamper their conduct and consequently undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

Furthermore, linked to this analysis, releasing information regarding this variable would seriously undermine ongoing internal decision-making processes regarding the current and future activities of Frontex and Member States involved in border operations. The ongoing discussions within these stakeholders require special protection and as no overriding public interest in disclosure is ascertainable

in this particular case, the release of information regarding this variable must be refused based on Article 4(3) of Regulation (EC) No 1049/2001.

Kindly 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,

[Signature]

Hervé Caniard
Head of Transparency Office

Attachment: An excel file containing requested information extracted from JORA (4998 entries)

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.