Ms Ute Gerbershagen
Email: ask-request-6484-c938e27b@asktheeu.org
Our ref: TO/ CMS-2019-00003-0247

Warsaw, 6 June 2019

Your application for access to Frontex documents

Dear Ms Gerbershagen,

In response to your application acknowledged on 5 March 2019, asking for access to

A copy of the following (serious) incident reports for Operation Triton from Oct 2017 to termination:

Incident reports for incident numbers,

218101, 218105, 218162, 218173, 218200, 218220, 218248, 218249, 218262, 218263, 218347, 218361, 218363, 218364, 218370, 218371, 218383, 218426, 218436, 218438, 218441, 218442, 218444, 218593, 218603, 218607, 218697, 218716, 218724, 218737, 218738, 218755, 218762, 218767, 218772, 218800, 218801, 218823, 218843, 218850, 218853, 218870, 218872, 218879, 218880, 218896, 218977, 218984, 219104, 219122, 219153, 219204, 219388, 219393, 219646, 219976, 220047, 220179, 220471, 220472, 220473, 220483, 220667, 220675, 220688, 220708, 220710, 220714, 220734, 220735, 220737, 220738, 220753, 220761, 220783, 220831, 220832, 220834, 220835, 220837, 220840, 220841, 220842, 220845, 220848, 220861, 220884, 220906, 220909, 220912, 220917, 220921, 220924, 220929, 220931, 220934, 220972, 220989, 221016, 221018, 221035, 221036, 221059, 221077, 221079, 221145, 221151, 221169, 221228, 221278, 221317, 221552, 221554, 221777, 221810, 221828, 221936, 222223, 223376, 223587, 223591, 223601, 223672, 223676, 223681, 223682, 223683, 223772, 223773, 223787, 223790, 223792, 223794, 223795, 223798, 223801, 223823, 223824, 223827, 223828, 223830, 223831, 223834, 223835, 223839, 223840, 223851, 223853, 223854, 223855, 223856, 223857, 223858, 223873, 223876, 223906, 223920, 223950, 223952, 223954, 223956, 223957, 223958, 223971, 223980, 223983, 224029, 224039, 224041, 224042, 224067, 224095, 224103, 224140, 224762, 224826, 225349, 225444, 225471, 225490, 225601, 225607, 225661, 225663, 225664, 225671, 225728, 225729, 225730, 225734, 225742, 225743, 225747, 225753, 225976, 225977, 226071, 226072, 226103, 226104, 226105, 226136, 226139, 226148, 226149, 226200, 226202, 226591, 227047, 227048, 227051, 227088, 227111, 227458, 227513, 227534, 227536, 227549, 227550, 227583, 227846, 227878, 227879, 227910, 227912, 228031, 228148, 228399, 228437, 228445, 228451, 228494, 228505, 228523, 228526, 228531, 228535, 228541, 228542, 228544, 228546, 228550, 228555, 228570, 228577, 228602, 228603, 228604, 228612, 228656, 228657, 229072, 229425, 229512, 229516, 229517, 229518, 229524, 229549, 229551, 229736, 229745, 229762, 229768, 229834, 229839, 229879, 229896, 229994, 229934, 229935, 229943, 229946, 229947, 229949, 229950, 229951, 229952, 229969, 229971, 229984, 229987,
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Frontex - European Border and Coast Guard Agency

The following 36 incident reports for Operation Triton from Oct 2017 to February:

You refer to your application Regd. on 2 May 2017 regarding the common solution found in the document referred to in your satisfaction with separate Line-Lists. Consequently, I am pleased to inform you that the IT department has accommodated your application for a very large number of documents.

In our common endeavor to accommodate your application for a very large number of
## Disclaimers of Non-disclosure

| 1 | Sensitive operational information | The non-disclosed text cannot be released as it refers to details crucial for situational awareness at the external borders of the European Union which is used by Frontex to conduct its operational activities and to develop risk analyses. The disclosure of this information would hamper the effectiveness of Frontex operations and jeopardize the efforts carried out by the European Union and Member States to curtail criminal activities at the external borders. It would thus benefit criminal networks especially those involved in people smuggling and trafficking in human beings, which would put the life of migrants in danger. Hence, the disclosure of the information pertaining to this variable would undermine the protection of the public interest as regards public security and has to be refused based on Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

The information related to this non-disclosed text is also used for the development of risk analyses, which constitute a specific form of internal decision-making processes based on the intelligence derived from previous and presently ongoing activities and have a bearing on the conduct of current and future operations. Being an important base for determining the strategic orientation of the Agency, the possibility to conduct such analyses without interference is crucial for Frontex to effectively exercise its mandate. Consequently, releasing this information would enable third parties to gain insights into this decision making process and, with ascertainable likelihood, result in depriving Frontex of the possibility to conduct such analyses wholly independently, free from any external pressure or third-party influence. In sum, releasing this information would seriously undermine Frontex internal decision making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of this information is ascertainable in the present case, information pertaining to this variable cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001. |
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<td>The non-disclosed parts contain information regarding the technical equipment deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type, capabilities and weaknesses of the equipment, as well as their usual position, opening way for abuse. The result of this would only be to hamper 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</td>
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Regulation (EC) No 1049/2001,


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


The non-disclosed text refers to details of an operational area and cannot be released.

Operational area of joint operation

The non-disclosed text refers to details of an operational area and cannot be released.

Such information 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.