

Ms Helen Darbishire

Email: ask+request-7392-811d6071@asktheeu.org

Our ref: TO/ CMS-2019-00010-0887  
Please quote when replying.

Warsaw,  November 2019

## Your application for access to Frontex documents

Dear Ms Darbishire

In reference to your application registered on 23 October 2019, asking for access to

*a copy of all documents related to your policies and practices on the processing of exercising their right of access to EU documents (as set out in the treaties, TFEU Article 15, and elaborated in Regulation 1049/2001).*

*I am in particular interested in documents that:*

- give guidance to Frontex officials on the processing of requests*
- relate to the procedure for requesting IDs*
- consider questions of data processing related to requests and requesters IDs*
- guide Frontex officials on your copyright policy and how to explain it to requesters,*

please find two documents attached pertaining to the **chapeau** and **indents two** and **three**. Kindly note that further documents identified in regard to **indents two** and **three** are subject to a currently ongoing investigation and therefore a disclosure is barred. As 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, these documents cannot be released based on Article 4(2) third indent of Regulation (EC) No 1049/2001<sup>1</sup>.

In regard to **indent three**, please also revert to the publicly available <https://frontex.europa.eu/contact/public-access-to-documents/> made available to you outside the framework of Regulation (EC) No 1049/2001.

Please find attached the respective documents pertaining to **indent one**. Kindly note that the non-disclosed part on page 1 of the presentation 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) No 1049/2001.

In regard to **indent four**, please be informed that Frontex has identified two documents, of which you find one herewith attached. The second document does only relate to a very minor extent to the scope of your application and its release is thus precluded.

<sup>1</sup> 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 (OJ L 145, 31.5.2001, p. 43).

A partial release of the documents referred-to under indents two to four cannot be undertaken, as their redaction would be disproportional in relation to the parts that are eligible for disclosure, simultaneously undermining the principle of sound administration. More specifically, the administrative burden necessary to identify and redact the releasable materials would be disproportionate to the public interest in the disclosure exercise itself, while the released documents would not convey any informative value due to their significantly reduced form. Consequently, the partial disclosure of the documents at issue must be refused owing to the particular circumstances of the present case.

Kindly be reminded that the copyright of the document/s rests with Frontex and making this/these work/s, available to third parties in this or another form without prior authorisation of Frontex is prohibited. Please also note that Frontex does not assume liability stemming from the use of the document/s.

Pursuant to Article 7(2) of Regulation (EC) 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) 1049/2001, Frontex will reply to you within 15 working days from the registration of such application. You can submit your confirmatory application by post or electronically.

Yours sincerely,

**signed**

Hervé Caniard  
*Head of Transparency Office*

**Attachments:**

- Access to Documents in the EU and Beyond (two parts, 42 pages)
- Presentation (29 pages)
- PAD ED Decision (6 pages)
- PAD MB Decision (9 pages)
- Copyright Policy (13 pages)