

Mr Lukas Kotkamp
Follow the Money
Overtoom 197, 1054 HT Amsterdam
The Netherlands
Email: ask+request-11440-7f0d630c@asktheeu.org

By email only

Subject: Reply to your request for access to documents No 12/2022 – Part I

Dear Mr Kotkamp,

With your application for access to documents dated 16 June 2022 (Annex 1), registered on the same day under the reference number 12/2022 (Annex 2), you requested access to “*documents which contain the following information:*”

- *Any communication, including annexes, between eu-LISA departments in the various member states in the European Union and ENISA, since the start of the year 2015 concerning cyberattacks to eu-LISA systems. This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts, and evaluation reports.*
- *Any documentation transmitted internally within eu-LISA since the start of the year 2015 detailing information on cyber attacks, cyber threats, weaknesses of cybersecurity systems, across eu-LISA operations.”.*

By email of 5 July 2022 (Annex 3), the Agency informed you that in order to facilitate the processing of your request, it decided to divide it into two (2) parts, in accordance with the points of your above-mentioned email, as follows:

- **Part I:** “*Any communication, including annexes, between eu-LISA departments in the various member states in the European Union and ENISA, since the start of the year 2015 concerning cyberattacks to eu-LISA systems. This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts, and evaluation reports.”;*
- **Part II:** “*Any documentation transmitted internally within eu-LISA since the start of the year 2015 detailing information on cyber attacks, cyber threats, weaknesses of cybersecurity systems, across eu-LISA operations.”.*

In the same email, the Agency informed you that Part I of your request was being assessed. The Agency also informed you that Part II of your request was very generic and, at that stage, it was unable to identify the documents requested. In order to process the Part II of your request and in accordance with Article 6(2) of the Regulation (EC) No 1049/2001, you were invited to provide more detailed information on the documents which you would like to have access to. In particular, the Agency invited you to specify to which type of documents (e.g. reports) and for which time period you would like to have access. You were kindly asked to clarify that part of your request by 12 July 2022.

Your request was assessed in light of the principles and conditions defined by the Regulation (EC) No 1049/2001¹ and the relevant case-law.

Decision

- **Part I: “Any communication, including annexes, between eu-LISA departments in the various member states in the European Union and ENISA, since the start of the year 2015 concerning cyberattacks to eu-LISA systems. This could include but is not limited to, e-mails, text messages, basis documents, memos or drafts, and evaluation reports.”**

I regret to inform you that the Agency is not in possession of the requested documents.

As specified in Article 2(3) of the Regulation (EC) No 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

- **Part II: “Any documentation transmitted internally within eu-LISA since the start of the year 2015 detailing information on cyber attacks, cyber threats, weaknesses of cybersecurity systems, across eu-LISA operations.”**

In relation to Part II of your request, the Agency is currently waiting for a reply to the clarification message sent to you on 5 July 2022.

Therefore, the Agency will provide to you a reply to Part II of your request within the legal deadline as soon as it receives a clarification of your request.

Appeal/ Legal Redress

Kindly note that you may file a confirmatory application within 15 (fifteen) working days from receiving this email.

Your sincerely,

Krzysztof CZEKALOWSKI

Head of the Corporate Services Department

Annexes:

- Annex 1: Your request for public access to documents;
- Annex 2: Acknowledgment of receipt of your request;
- Annex 3: Request for clarification.

¹ 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).