

Access to Documents received by EASO in the years 2012 - 2017

Background

The right of citizens to request and obtain public access to documents held by the EU institutions, bodies, offices and agencies is an essential part of EU citizenship.

EASO remains committed to the principle of transparency: Accordingly, documents that could possibly be relevant to the public interest are already published and accessible on the EASO website. Moreover, access to vast majority of the documents requested by the applicants are being granted; applications are being processed favourably and a great number of documents has already been disclosed.

Initial applications for Access to Documents in the years 2012 - 2017:

All the incoming requests for access to documents are treated as a request falling under the provisions of Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents, which also applies to EASO documents, and in accordance with Decision No 6 laying down practical arrangements regarding public access to the documents of EASO, as adopted by its Management Board on 20 September 2011.

	2012	2013	2014**	2015**	2016	2017
Initial Requests for Access to Documents	7	8	2	2	8	23
Full Access Granted	5	5	1	2	4	9
Partial Access	2	0	1	0	0	8
Refusal	0	3	0	0	1	1
N/A*	0	0	0	0	3	5
Confirmatory Requests	1	0	1	0	0	3
Complaints to the EU Ombudsman	0	0	0	0	0	1
Cases before the EU Courts	0	0	0	0	0	0
Exception laid out in Article 4 of EC Reg 1049/2001	2	3	1	0	1	7
Deadline Extensions	1	0	0	0	0	3

**Due to ongoing transition to the new data management system we cannot guarantee accuracy of the data related to year 2014 and 2015.

According to EASO's records in the period of reference (i.e.: in the years 2012 – 2017):

50 requests of documents were received. **Full Access** was granted in **26 cases**. **Partial access** was provided to **11 applications**. **Refusal** took place in case of **5 requests**. In **8 cases** were the **requests not applicable** as the requested information were not available by EASO. Referrals to the appropriate authorities were provided.

The grounds for partial, or total refusal most frequently evoked were Exceptions of EC Regulation 1049/2001, where disclosure would undermine the protection of:

(in the year 2012)

- **Article 4.1 (b):** privacy and integrity of the individuals, related in particular to the protection of personal data;
- **Article 4.3:** a document, where the disclosure could seriously undermine the institution's decision – making process.

Subjects of exceptions were 2 requests for access to operating plans.

(in the year 2013)

- **Article 4.3:** a document, where the disclosure could seriously undermine the institution's decision – making process;
- **Article 4.4:** a third-party document;
- **Article 4.5:** a member state requested the agency not to disclose the document without its prior agreement.

Subjects of exceptions were 3 requests for access to operating plans and special support plan.

*(in the year 2014**)*

- **Article 4.3:** a document, where the disclosure could seriously undermine the institution's decision – making process;
- **Article 4.4:** a third-party document.

Subjects of exception was a request to operating plan.

*(in the year 2015**)*

Full access to requests for access to documents was granted.

(in the year 2016)

- **Article 4.3:** a document, where the disclosure could seriously undermine the institution's decision – making process.

Subjects of exception was a request related to data on asylum seekers in a member state.

(in the year 2017)

EASO received 23 requests for access to documents. Raising tendency of incoming applications with comparison to the previous years, reflects increasing awareness of the Agency. Applications for access to documents are processed mostly favourably so the administration can appreciate greater legitimacy and could be more accountable to the citizens.

The most frequently requested documents were: operating plans (for deployment of asylum support teams), and requests related to selection procedures.

Developments

In the year 2017 EASO improved its practice supported by the EC Regulation 1049/2001, i.e.: in the event of application relating to a very long document or to a very large number of documents, or in the event when a clarification related to unclear request is needed; the

institution (agency) proactively confer with the applicant informally, with a view to finding a fair solution, and with intention to meet needs of the applicant. By maintaining this practice, EASO demonstrates its openness, transparency and willingness to suit the requests in the best possible way.

The grounds for, partial or total, refusal most frequently evoked were Exceptions of EC Regulation 1049/2001, where disclosure would undermine the protection of:

- **Article 4.1 (a):** public security and international relations
- **Article 4.2 (b):** privacy and integrity of the individuals, related in particular to the protection of personal data
- **Article 4.2:** Commercial interests of legal person, including intellectual property
- **Article 4.3:** where the disclosure could seriously undermine the institution's decision-making process

Subjects of exception were mainly requests for access to documents related to contracts, and selection procedures.

EASO has examined 3 **confirmatory requests**. Agency got in informal contact with the requestor and a fair solution was found.

Complaint to EU Ombudsman was related to a selection procedure. A reply has been sent, and the complaint was resolved.

Consultation of a Member State/ Third Parties took place in several cases related mainly to requests concerning Operating Plans.

Deadline extension took place in 3 cases due to requests related to a large number of documents. The applicants were informed on the extensions in line with the Regulation.