

Mr Arne Semsrott

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Our ref: CMS-2018-00008-0077a  
Please quote when replying.

Warsaw, 28 Aug 2018

## Your application for access to Frontex documents

Dear Mr Semsrott,

In response to your application for access to Frontex documents, which has been registered on 7 August 2018, asking for access to

*For all formal meetings held by the Frontex Consultative Forum on Fundamental Rights in 2016, 2017 and 2018 to date:*

- *Agendas of the meetings;*
- *Dates of the meetings and name and title of all attendees;*
- *Minutes of the meetings; and*
- *Documents used during the course of the meetings or produced for the purpose of these meetings, including - but not limited to - preparatory notes, briefings, reports, or memos;*

I am pleased to inform you that Frontex can grant you access to all *documents* held. You may find the documents attached.

Please note, however, that some limited parts of the documents you have requested fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001<sup>1</sup>, and have therefore been blanked out with a number next to them referring to a justifications as attached.

Kindly be informed that access to **two documents** you applied for cannot be granted as they:

1. contain information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas.

The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings.

In this light, the disclosure of 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.

2. contain detailed information regarding the modus operandi of law enforcement officials performing border control. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing them and the efforts made by the European Union and its Member States to counter and prevent cross-border crime and unauthorized border crossings. If this were to

<sup>1</sup> Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

happen, public security would be affected. Consequentially, the text is not disclosed pursuant to the exception laid down in of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

3. contain names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001.

A partial release of those two documents is not possible. This is based on the fact that Frontex, in its service to the public, is not only obliged to adhere to transparency principles but also to the principle of sound administration. The redaction as required by Article 4 of Regulation (EC) 1049/2001 would result in the release of short fragmented parts, the reading of which would be meaningless. This is considered not to be in line with the principle of sound administration, as the administrative burden necessary to identify and redact the releasable sections would be disproportionate and the very limited parts of the documents that were deemed releasable would have been non-informative. For this reason, it is not possible for us to grant you partial access to the two documents.

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,

*on behalf of*  
Hervé Caniard

Head of Transparency Office

*AGoss*

Attachments (77 documents): *470 pages in total*

- Agenda 9th CF formal meeting (2 p.)
- Agenda 10th CF formal meeting (2 p.)
- Agenda 11th CF formal meeting (2 p.)
- Agenda\_12th CF formal meeting (2 p.)
- Agenda\_13th CF formal meeting (2 p.)
- Agenda\_14th CF formal meeting (2 p.)
- Agenda\_15th CF formal meeting (2 p.)
- Agenda\_16th CF formal meeting (2 p.)
- Minutes\_9th meeting (7 p.)
- Minutes\_10th meeting (6 p.)
- Minutes\_11th CF meeting (5 p.)
- Minutes\_12th CF meeting (5 p.)
- Minutes\_13th CF meeting (7 p.)
- Minutes\_14th CF meeting (8 p.)
- Minutes\_15th CF meeting (5 p.)
- Minutes\_16th CF meeting (5 p.)
- FRONTX NEW ORGANISATIONAL STRUCTURE (1 p.)
- XIV FRO Report 9 March 2016 (4 p.)
- CF overview of activities (4 p.)
- Background note (4 p.)

- CF views EBGC proposal (2 p.)
- XV FRO Report 30 April 2016 (6 p.)
- THE OPERATIVE SITUATION - AN OVERVIEW (4 p.)
- TFR meeting with CF (4 p.)
- Frontex Press Pack (36 p.)
- Operational presentation (27 p.)
- XVI FRO Report May-July 27 07 16 Final (7 p.)
- 2016 09 26 Letter to Mr Fabrice Leggeri on draft rules for FX complaints mechanism (8 p.)
- 2016 09 26 Letter to Ms Inmaculada Arnaez on draft complaints form (16 p.)
- report\_on\_the\_operationalization\_of\_the\_european\_border\_and\_coast\_guard\_en (11 p.)\
- MB Decision 27\_2016 on the vulnerability assessment methodology (1 p.)
- Operational situation key messages CF presentation (25 p.)
- FRO Adhoc Report 1624 Reg FINAL (9 p.)
- XVII FRO Report to MB November 2016 Final (6 p.)
- SAR joint letter (3 p.)
- Operational situation May 2017 (32 p.)
- AI\_public statement\_SAR (5 p.)
- Letter to CF (1 p.)
- Operational update (14 p.)
- FRO staffing updated (CF meeting May 2017) (4 p.)
- International maritime rescue federation\_SAR presentation (19 p.)
- MSF SAR presentation (18 p.)
- Operational overview\_Oct 2017 (13 p.)
- INFO\_PACK\_for\_CF (16 p.)
- XX FRO Report (8 p.)
- Consultative Forum Recommendation child protection strategy (9 p.)
- Letter to ED\_Gender mainstreaming in Frontex activities (3 p.)
- FRO staffing presentation CF meeting Feb 2018 (14 p.)
- Press pack 14 May 2018 (10 p.)
- FRO observations FR in return operations in the Jan- June 2017 (4 p.)
- FRO observations RO Jul-Dec 2017 (5 p.)
- DRAFT XXII FRO Report to MB (6 p.)
- CF Request for info\_Greece visit (2 p.)
- CF Request for info\_Kosovo WA (2 p.)
- CF Request for info\_Greece visit 2 (2 p.)
- CF Request for information\_Chios (2 p.)
- Letter to ED\_re Chios (2 p.)
- CF Request for info\_follow up visit Greece (3 p.)
- CF Request for info\_Hungary (3 p.)
- CF request for information\_info related to article in FT (2 p.)
- Letter to CF (1 p.)
- CF request for information\_Vulnerability Assesment Methodology (2 p.)
- Frontex Staffing CF (2 p.)
- CF request for information\_proposals on JO Triton (2p.)
- CF request for information\_operational plans (2 p.)
- CF request for information\_Hungary follow up (4 p.)
- Request for Information Frontex Staff planning 2018 (2p)
- CF request for information\_OPLAN Themis 2018 (2 p.)
- CF request for information\_Report Complaints (2 p.)
- CF request for information\_Evaluation methodology and return support... (3 p.)
- 7CF request for information\_TCs (3 p.)
- CF request for information\_training evaluations (2 p.)
- CF request for information\_Eurosur evaluation (2 p.)

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.



	Document	Justification for no access or partial access pursuant to Regulation 1049/2001	No. pages
Agendas of the meetings			
1	Agenda meeting 3.02.2016	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	2
2	Agenda meeting 12.05.2016		2
3	Agenda meeting 20.10.2016		2
4	Agenda meeting 2.02.2017		2
5	Agenda meeting 17.05.2017		2
6	Agenda meeting 12.10.2017		2
7	Agenda meeting 21.02.2018		2
8	Agenda meeting 17.05.2018		2
Minutes of the meetings			
9	Minutes meeting 3.02.2016	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	7
10	Minutes meeting 12.05.2016		6
11	Minutes meeting 20.10.2016		5
12	Minutes meeting 2.02.2017		5
13	Minutes meeting 17.05.2017		7
14	Minutes meeting 12.10.2017		8
15	Minutes meeting 21.02.2018	With regard to Document <b>No. 12, pages 3-5</b> : The <b>vulnerability assessment</b> foreseen in Article 13 of the European Border and Coast Guard Regulation is a preventive mechanism intended to allow Frontex to assess the capacity and readiness of Member States to face challenges at the external borders. The non-disclosed parts of the document contain details which would allow the reader to be made aware of the methods and criteria used by Frontex for carrying out such vulnerability assessments. Should such information be made public, it could lead to abuse by criminal networks who could use it to adjust their modus operandi. The disclosure of these documents must thus be refused as it has the potential to seriously jeopardize the effective control and surveillance of the external borders of the EU and the fight against cross-border crime. Refusal of the documents is therefore justified as their disclosure would undermine the protection of the public interest as regards public security, in the sense of Article 4(1)(a) of Regulation (EC) No 1049/2001.	5
16	Minutes meeting 17.05.2018		5

Documents used during the course of the meetings or produced for the purpose of these meetings, including - but not limited to - preparatory notes, briefings, reports, or memos			
17	Frontex organisational structure	-	1
18	XIV FRO Report	<b>OPERATIONAL AREA</b> The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.	4
19	CF overview of activities	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	6
20	Background note for the Deputy Executive Director on the CONSULTATIVE FORUM for the 9th Consultative Forum meeting (3 February 2015)	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	5
21	CF views on EBCG Regulation proposal	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	2
22	XV FRO Report	<b>OPERATIONAL AREA (pp. 1 and 3)</b> The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of	6



		<p>previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.</p> <p><b>PERSONAL DATA (p. 2)</b></p> <p>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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p> <p>With regard to Document <b>No. 14</b>, pages 2 and 3: <b>HUMAN RESOURCES DEPLOYED</b></p> <p>The non-disclosed parts contain information regarding human resources deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type, capabilities, strengths and weaknesses of the border area, due to 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 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.</p> <p>With regard to Document <b>No. 14</b>, pages 6 and 7: <b>International cooperation and engagement</b></p> <p>The non-disclosed text contains names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these</p>	
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		<p>countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. It is in this case not possible to provide further information concerning the reasons for non-disclosure without revealing their contents and thereby depriving this exception under Article 4 of Regulation (EC) No 1049/2001 of its very purpose.</p> <p>With regard to Document <b>No. 16</b>, page 3:  <b>International cooperation and engagement</b>  The non-disclosed text contains names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. It is in this case not possible to provide further information concerning the reasons for non-disclosure without revealing their contents and thereby depriving this exception under Article 4 of Regulation (EC) No 1049/2001 of its very purpose.</p>	
23	The operative situation: an overview	-	4
24	Task Force Regulation: Minutes from Meeting with the CF	<b>PERSONAL DATA</b> 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 precluded pursuant to the	4



		exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	
25	Frontex Press Pack	-	36
26	Operational presentation	-	27
27	XVI FRO Report	<b>OPERATIONAL AREA</b> The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.	7
28	Letter to ED on draft rules for Frontex complaints mechanism	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	8
29	Letter to FRO on draft Frontex complaints form	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	16
30	Report from the Commission to the EU Parliament, the European Council and the Council on the operationalisation of the EBCG	-	11
31	Management Board Decision 27/2016 establishing the Common Vulnerability Assessment Methodology	<b>Disclosure of page 1</b> <b>Non-disclosure of pages 2-37:</b> The vulnerability assessment methodology as foreseen in Article 13 of the European Border and Coast Guard Regulation implements a preventive mechanism intended to allow Frontex to assess the capacity and readiness of Member States to face challenges at the external borders. Access to the requested Vulnerability	37

		<p>Assessment Methodology would provide the reader with sensitive information, including a description of the processes, criteria and implementation cycle used by Frontex for carrying out such vulnerability assessments. Should such information be made public, it could lead to abuse by criminal networks who could use it to adjust their modus operandi. The disclosure of these documents must thus be refused as it has the potential to seriously jeopardize the effective control and surveillance of the external borders of the EU and the fight against cross-border crime. Refusal of the documents is therefore justified as their disclosure would undermine the protection of the public interest as regards public security, in the sense of Article 4(1)(a) of Regulation (EC) No 1049/2001.</p>	
32	Operational situation	<p><b>Page 15:</b> The marked parts contain detailed operational information. Its disclosure would harm the course of ongoing and future operations. In light of the above, the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001, relating to the protection of the public interest as regards public security.</p> <p>Furthermore, the non-disclosed text contains names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. It is in this case not possible to provide further information concerning the reasons for non-disclosure without revealing their contents and thereby depriving this exception under Article 4 of</p>	25

		<p>Regulation (EC) No 1049/2001 of its very purpose.</p> <p>In addition, these names cannot be disclosed as revealing this information will also influence internal decision-making processes regarding the Agency's current and future activities. As the discussions currently taking place within Frontex require special protection, their release has to be refused also under Article 4(3) of Regulation (EC) No 1049/2001. In addition, as shown above, Frontex could not release the documents based on Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. Therefore, the non-release is justified without the necessity to balance the need to protect the Agency's internal decision making process against an overriding public interest in disclosure.</p>	
33	Vulnerability Assessment Methodology presentation	<p><b>Non-disclosure:</b> The vulnerability assessment methodology as foreseen in Article 13 of the European Border and Coast Guard Regulation implements a preventive mechanism intended to allow Frontex to assess the capacity and readiness of Member States to face challenges at the external borders. Access to the requested Vulnerability Assessment Methodology would provide the reader with sensitive information, including a description of the processes, criteria and implementation cycle used by Frontex for carrying out such vulnerability assessments. Should such information be made public, it could lead to abuse by criminal networks who could use it to adjust their modus operandi. The disclosure of these documents must thus be refused as it has the potential to seriously jeopardize the effective control and surveillance of the external borders of the EU and the fight against cross-border crime. Refusal of the documents is therefore justified as their disclosure would undermine the protection of the public interest as regards public security, in the sense of Article 4(1)(a) of Regulation (EC) No 1049/2001.</p>	4
34	FRO ad hoc Report on the EBCG	-	9
35	XVII FRO Report	<p><b>PERSONAL DATA</b></p> <p>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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p>	8



36	FRO special report on serious incident reports received in 2015	<p><b>OPERATIONAL AREA (pp. 2-5 and 8)</b></p> <p>The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.</p> <p><b>PERSONAL DATA (p. 8)</b></p> <p>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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p>	8
37	XVIII FRO Report	<p><b>OPERATIONAL AREA (p. 2)</b></p> <p>The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.</p> <p><b>PERSONAL DATA (p.9)</b></p> <p>The non-disclosed text contains personal data, in particular the name of an</p>	9



		individual. Its disclosure would affect the privacy and integrity of the individual and is therefore precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	
38	Joint Declaration regarding SAR against criminalization of the Humanitarian Aid	-	3
39	Operational situation	-	32
40	Amnesty International public statement	-	5
41	Letter from ED to CF	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	1
42	Operational update	<b>Page 9:</b> The non-disclosed text contains names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. It is in this case not possible to provide further information concerning the reasons for non-disclosure without revealing their contents and thereby depriving this exception under Article 4 of Regulation (EC) No 1049/2001 of its very purpose.  In addition, these names cannot be disclosed as revealing this information will also influence internal decision-making processes regarding the Agency's current and future activities. As the discussions currently taking place within Frontex require special protection, their release has to be refused also under Article 4(3) of Regulation (EC) No 1049/2001. In addition, as shown above, Frontex could not release	14

		the documents based on Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. Therefore, the non-release is justified without the necessity to balance the need to protect the Agency's internal decision making process against an overriding public interest in disclosure.	
43	FRO staffing update	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	4
44	IMRF presentation - SAR	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	19
45	MSF presentation - SAR	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	18
46	Operational overview	-	13
47	Info Pack	<b>TECHNICAL EQUIPMENT</b> 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 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.  <b>HUMAN RESOURCES DEPLOYED</b> The non-disclosed parts contain information regarding human resources deployed in each operational area. Disclosing such information would be	16

		<p>tantamount to disclosing the exact type, capabilities, strengths and weaknesses of the border area, due to 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 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.</p>	
48	XX FRO report	<p><b>OPERATIONAL AREA (pp. 1-2)</b>  The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings.</p> <p><b>PERSONAL DATA (pp. 7-8)</b>  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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p>	8
49	CF recommendation child protection strategy	<p><b>PERSONAL DATA</b>  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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p>	9
50	Letter to ED: Gender mainstreaming in FX activities	<p><b>PERSONAL DATA</b>  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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p>	3
51	FRO staffing presentation	<b>PERSONAL DATA</b>	14



		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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	
52	Non-disclosed document 1	<b>Non-disclosed in its entirety:</b> see justifications in reply letter	
53	Press pack	-	10
54	Non-disclosed document 1	<b>Non-disclosed in its entirety:</b> see justifications in reply letter	
55	FRO observations FR in return operations	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	4
56	XXI FRO Report	<b>OPERATIONAL AREA (p. 1)</b> The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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. <b>PERSONAL DATA (p.11)</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	11
57	FRO observations to return operations	<b>PERSONAL DATA</b> 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 precluded pursuant to the	5



		exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	
58	Draft XXII FRO report	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	6
All requests for information and documents issued by the Consultative Forum (in line with point 4.6 of the Working Methods of the Frontex Consultative Forum on fundamental rights) during 2016, 2017 and 2018 to date, as well as all responses issued by Frontex officials to these requests.			
59	CF request for information – Greece visit	-	2
60	CF request for information – WA Kosovo	-	2
61	CF request for information – Greece visit 2	-	2
62	CF request for information – Chios	-	2
63	Letter to ED - Chios	<b>PERSONAL DATA</b> 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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.	2
64	Letter from ED - Chios	<b>OPERATIONAL AREA</b> The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.  <b>TECHNICAL EQUIPMENT</b> The non-disclosed parts contain information regarding the technical	2

		<p>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 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.</p> <p><b>HUMAN RESOURCES DEPLOYED</b></p> <p>The non-disclosed parts contain information regarding human resources deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type, capabilities, strengths and weaknesses of the border area, due to 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 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.</p>	
65	CF request for information – Follow up visit Greece	-	3
66	CF request for information – Hungary	-	3
67	CF request for information – information related to article in FT	-	2
68	Letter to CF	-	1
69	CF request for information – Vulnerability Assessment Methodology	-	2
70	CF request for information – Frontex staffing plan	-	2
71	CF request for information – Proposals on JO Triton	-	3
72	CF request for information – operational plans	-	2
73	CF request for information – Hungary follow up	<p><b>OPERATIONAL AREA</b></p> <p>The non-disclosed text contains information regarding the operational</p>	4

		<p>area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of ongoing operations, depriving them of their strategy and any element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border crime as well as unauthorized border crossings. In this light, the disclosure of 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.</p> <p><b>TECHNICAL EQUIPMENT</b></p> <p>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 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.</p>	
74	CF request for information – FRO staffing plan 2018	-	2
75	CF request for information – Operational Plan Themis 2018	-	2
76	CF request for information – Report complaints	<p><b>PERSONAL DATA</b></p> <p>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 precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.</p>	2
77	CF request for information – Evaluation methodology and return support activities	<p><b>Page 3:</b> The non-disclosed text contains names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the</p>	3



		<p>relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. It is in this case not possible to provide further information concerning the reasons for non-disclosure without revealing their contents and thereby depriving this exception under Article 4 of Regulation (EC) No 1049/2001 of its very purpose.</p> <p>In addition, these names cannot be disclosed as revealing this information will also influence internal decision-making processes regarding the Agency's current and future activities. As the discussions currently taking place within Frontex require special protection, their release has to be refused also under Article 4(3) of Regulation (EC) No 1049/2001. In addition, as shown above, Frontex could not release the documents based on Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. Therefore, the non-release is justified without the necessity to balance the need to protect the Agency's internal decision making process against an overriding public interest in disclosure.</p>	
78	CF request for information – third countries	<p><b>Page 2:</b> The non-disclosed text contains names of third countries and disclosure of this information undermines the trust placed in Frontex by them. Once the relationship between Frontex and those third countries is impaired, it is foreseeable that these countries will refrain from cooperating with Frontex, respectively that an engagement of Frontex with these countries will no longer be possible. However, cooperation and engagement with third countries is essential for Frontex to exercise its mandate. Access to this text has to be refused as its disclosure would result in jeopardizing the ongoing and future international cooperation and engagement</p>	3



		<p>and thus undermine the protection of the public interest as regards international relations as stipulated in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. It is in this case not possible to provide further information concerning the reasons for non-disclosure without revealing their contents and thereby depriving this exception under Article 4 of Regulation (EC) No 1049/2001 of its very purpose.</p> <p>In addition, these names cannot be disclosed as revealing this information will also influence internal decision-making processes regarding the Agency's current and future activities. As the discussions currently taking place within Frontex require special protection, their release has to be refused also under Article 4(3) of Regulation (EC) No 1049/2001. In addition, as shown above, Frontex could not release the documents based on Article 4(1)(a) third indent of Regulation (EC) No 1049/2001. Therefore, the non-release is justified without the necessity to balance the need to protect the Agency's internal decision making process against an overriding public interest in disclosure.</p>	
79	CF request for information – evaluation trainings	-	2
80	CF request for information – Eurosur evaluation	-	2

