

Mr Claudio Deiana

Email : [ask+request-5991-eee65cd5@asktheeu.org](mailto:ask+request-5991-eee65cd5@asktheeu.org)

Our ref: CGO/CMS-2018-00011-0714

Initial application : CGO/LPU/CMS-2018-00010-0218

Warsaw, 7 December 2018

## Your application for access to Frontex documents - confirmatory application

Dear Mr Deiana,

With reference to your confirmatory application registered on 16 November 2018, in which you confirmed your initial application of 8 October 2018 to which we replied on 29 October 2018. In your initial application, you applied for access to

*- a similar dataset which has already been requested by other individuals with some additional information:*

*(1) I would need to extend the dataset over the period 2009-2018 including all the different operations in place (for instance, pre and post Mare Nostrum, Joint Operation Poseidon, Poseidon Rapid Intervention, Operation Hermes).*

*(2) Additionally to the variables listed below, I would like to add the name of the organization involved (for example MSF, MOAS), the name of the rescue vessel and the ones who detected the migrants.*

*The current list of variables contains info on:*

*Operation/Year*

*Detection date*

*Search and rescue involved*

*Incidents*

*Total number of irregular migrants*

*Death cases*

*Irregular migrants in SAR cases*

*Type of detected by*

*Latitude detection*

*Longitude detection*

*Latitude interception*

*Longitude interception*

*Detection by Frontex financed/deployed asset*

*Type of intercepted by*

*Interception by Frontex financed/deployed asset*

*Operational area*

*Transport type*

*Reference to op.area*

*Frontex financed/deployed asset during an incident*

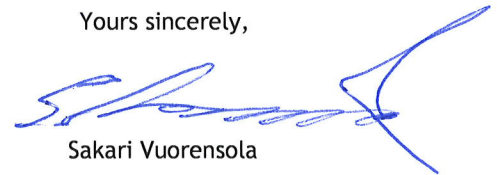
I note your arguments in your confirmatory application that

*I am concerned regarding a part of my application that has not been answered. This is about the availability of coordinates of incidents/operations. It seems that Frontex is not willing to share this information due to arguably security reasons since, as they said, the smugglers can exploit this information. I believe that if this is the case they could have already exploited the map in FRAN Q1 2017 where implicitly contains coordinates. The coordinates could have been retrieved anyhow since smugglers have access to internet and then to google maps. So, they can already use those coordinates and the information. This makes the public security concern weak,*

I concur with your reasoning that smuggling networks are interested in any piece of information which might enable them to anticipate locations of vessels taking part in former joint operations and their currently ongoing and future successor operations. Also, it is likely that criminal networks combine information obtained through the mechanism laid down in Regulation (EC) 1049/2001<sup>1</sup> with information already available in the public domain or through other on and off-line sources. However, there is a clear difference between the indicative points on the map in the Frontex Risk Analysis Network Quarterly Report Q1/2017 (FRAN Q1/2017), which is small and not precise, and the exact coordinates you applied for on 8 October 2018. Based on your argument that FRAN Q1/2017 already provides an implicit opportunity to retrieve geocoordinates, we are obliged *a fortiori* to deny access to the explicit pieces of information you applied for, as required by Article 4(1)(a) first indent of Regulation (EC) 1049/2001 as the release of these pieces of information would undermine the protection of the public interest as regards public security. In this regard it has to be recalled that criminal networks use small and seemingly separate pieces of intelligence, such as the geocoordinates you applied for on 8 October 2018, to establish, in combination with other sources, movement patterns of vessels.

Finally, I recall the fact that FRAN Q1/2017 has been released does not relieve Frontex from its legal obligations to analyse each application individually. Bearing in mind that different documents comprise of varied degrees of sensitive information, the documents you applied for have been assessed as undermining the protection of public security. Consequently, I uphold the decision of 29 October 2018.

Yours sincerely,



Sakari Vuorensola

Director of Corporate Governance

In accordance with Article 8(1) of Regulation (EC) No 1049/2001, you are entitled to institute court proceedings and/or make a complaint to the Ombudsman, under the relevant provisions of the Treaty on the Functioning of the European Union.

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<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).