



## **Decision**

of the European Ombudsman adopting internal procedures for dealing with requests for information and applications for public access to documents

### **The European Ombudsman**

#### **Having regard to**

- 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<sup>1</sup>;
- Decision 2008/587/EC of the European Parliament of 18 June 2008 amending Decision 94/262/ECSC, EC, Euratom on the regulations and general conditions governing the performance of the Ombudsman's duties ('the Statute of the Ombudsman')<sup>2</sup>;
- The Ombudsman's Implementing Provisions<sup>3</sup>;

#### **Whereas**

1. Public access to documents is a fundamental right foreseen in Article 42 of the Charter of Fundamental Rights of the European Union;
2. Citizens of the Union have the right to write to, and receive an answer from, the Ombudsman in accordance with Article 24 of the Treaty on the Functioning of the European Union;
3. Efficient and effective internal procedures should be established to deal with applications for public access to documents and requests for information.

### **Adopts the following internal procedures**

#### **Article 1: Handling and classification of applications and requests**

1.1 The Registry is the European Ombudsman's lead service for the handling of applications for public access to documents and requests for information.

<sup>1</sup> OJ 2001 L 145, p. 43.

<sup>2</sup> OJ 2008 L 189, p. 25.

<sup>3</sup> <http://www.ombudsman.europa.eu/resources/provisions.faces#ref3>





1.2 A staff member who receives a written application for public access to documents shall take prompt action, normally by forwarding the application to the Registry. If the circumstances so require, the application may be forwarded to, and dealt with by, another service. In such cases, the Registry shall be kept informed.

1.3 A staff member who receives a written request for information shall take prompt action, normally by forwarding the request to the Registry, unless the staff member can provide the information to the requester rapidly and easily.

1.4 Each written application for access to documents or request for information shall be registered under one of the following categories:

- i) application for access to documents not contained in the file of an existing complaint and/or inquiry;
- ii) application for access to documents contained in the file of an existing complaint and/or inquiry;
- iii) request for information.

1.5 Correspondence that falls within more than one of the above-mentioned categories may either be dealt with under the main category, or may be split for separate handling, as appropriate.

## **Article 2: Category 1 applications for access to documents**

2.1 In accordance with Article 4a of the Statute of the Ombudsman, Regulation 1049/2001 applies to category 1 applications. They shall be registered and dealt with using the two-stage procedure (initial and confirmatory) foreseen by that Regulation.

2.2 Replies to initial applications shall be signed by the Head of the Registry, or by the Secretary General, as detailed below. Replies to confirmatory applications shall be signed by the European Ombudsman.

2.3 The Registry is responsible for the administrative handling of initial applications and for the drafting of replies, in cooperation with the relevant service.

2.4 The Head of the Registry shall sign positive replies to initial applications, as well as replies which grant access subject only to standard redactions (a) to protect personal data or (b) to avoid misuse of direct contact details ("spam" protection). In the latter case, the replies shall explain the reason for the redactions inform the applicant of the possibility of submitting a confirmatory application to the Ombudsman.

2.5 All other replies shall be signed by the Secretary General. The replies shall be reasoned and shall inform the applicant of the possibility of submitting a confirmatory application to the Ombudsman.

2.6 Confirmatory applications shall be registered by the Ombudsman's cabinet, which shall also draft the replies, unless the Ombudsman gives other instructions in a specific case.



### **Article 3: Category 2 applications for access to documents**

3.1 Category 2 applications are dealt with through a single-stage procedure. Replies are signed by the European Ombudsman.

3.2 The Registry is responsible for the administrative handling of applications and the drafting of replies, in cooperation with the relevant case handler.

### **Article 4: Requests for information**

4.1 In the interests of rapid service to citizens, replies to written requests for information shall avoid unnecessary formality.

4.2 The degree of formality of the reply shall be adapted to the circumstances, and to the nature of the request and of the reply. Where a formal reply is appropriate it shall normally be signed by the Head of the Registry.

4.2 Any refusal to provide information on the grounds that it is confidential shall be signed by the Secretary General. The reply shall be reasoned and shall inform the requester of the possibility of contesting the refusal by writing to the Ombudsman. Further correspondence shall be treated by analogy with Article 2.6 above.

### **Article 5: Adoption and entry into force**

This decision shall enter into force on the date of its adoption.

Emily O'Reilly

Done in Strasbourg on 26-05-2014