

Subject: FW: PAD-2020-00063: All Frontex Serious Incident Reports dated from 1 February 2020 to 1 March 2020, both included

Dear European Border and Coast Guard Agency,

In my initial request of 12 March 2020 I stated: "I hereby express my wish to receive all correspondence and documents related to this request via this e-mail address only." I expressed this preference again in my e-mail of 25 March 2020, where I stated: "I therefore ask you once again to send this response directly to this e-mail address instead of posting your response in your internal system."

Frontex's persistent refusal to provide its response to my request, as well as any documents included in its response, constitutes a direct violation of Article 10 of Regulation 1049/2001: "The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, according to the applicant's preference."

Frontex is also contravening the very purpose of Regulation 1049/2001 as established in Article 1 (a) of the Regulation: "to ensure the widest possible access to documents."

Frontex is also ignoring and contravening the European Ombudsman's recommendation in case 104/2020/EWM: "Fulfilling requests via online portals is an effective means of complying with this obligation. Where an applicant has specifically stated that this is their preferred medium for receiving the response to their request and any documents to which public access is granted, institutions should comply with that request unless there is very good reason (which should be explained) for them not to do so. This is a matter of good administration as well as a means of complying with the legal obligation to give the widest possible public access."

By continuing to post its responses via its own internal system, Frontex is not only ignoring my rightfully and explicitly stated preference, but it is also effectively making it impossible for me to exercise my fundamental right of access to documents; as Frontex is surely already aware, since I have raised this issue with its Transparency Office before, I cannot access the login details sent by Frontex via the AsktheEU.org platform. Frontex can see this for itself, here: https://www.asktheeu.org/en/request/sirs_february_2020#incoming-25649

As a consequence of this, I am currently being deprived from an acknowledgement of receipt, a reference number, a response to my request, and any of my rights as stated in Article 7 (1) of Regulation 1049/2001.

I am therefore calling on Frontex one more time to comply with its legal obligation and provide me with its response to my request, as well as any corresponding documents, via this e-mail address only.

Thank you in advance,

Luisa Izuzquiza

-----Original Message-----

New information regarding your application is available under this link [1]<https://pad.frontex.europa.eu/PadCases/PAD-2020-00063/54WI6H1MBE>
Token: 54WI6H1MBE
Email: [FOI #7771 email]

Case Id: PAD-2020-00063

Please be informed that the link is valid for 15 working days

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References

Visible links

1. <https://pad.frontex.europa.eu/PadCases/PAD-2020-00063/54WI6H1MBE>
2. <http://frontex.europa.eu/>

Please use this email address for all replies to this request:
ask+request-7771-725cb149@asktheeu.org

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Please note that in some cases publication of requests and responses will be delayed.
