



Valletta Harbour, 14 December 2022  
EUAA/ED/2022/418

Ms Lydia Emmanouilidou  
Sent by email to: [lydia.emman@gmail.com](mailto:lydia.emman@gmail.com); [ask+request-12081-07c178af@asktheeu.org](mailto:ask+request-12081-07c178af@asktheeu.org)

**Subject: Your application for access to EUAA documents (No 000626)**

Dear Ms Emmanouilidou,

Reference is made to your correspondence dated 31 October 2022 (registered on 4 November 2022) in which you submitted to the European Union Agency for Asylum ('EUAA') a request for access to:

*"For the period from 01 January 2020 to date:*

- 1) *All correspondence – including, but not limited to, letters, e-mails, and any attachments – exchanged between the European Union Agency for Asylum (EUAA) and any other EU or Member State actor – including, but not limited to, DG Migration and Home Affairs (HOME) and/or Greek authorities – regarding, related to, or mentioning "Centaur," or "Hyperion" or other surveillance and security systems and equipment [1] at existing and forthcoming migrant reception facilities [2] on Samos, Kos, Leros, Lesbos, and Chios islands and in Fylakio, Evros in Greece.*
- 2) *All documents – including, but not limited to, briefings, notes, papers, non-papers, or reports – created or held by EUAA or exchanged between EUAA and any other EU or Member State actor – including, but not limited to, DG Migration and Home Affairs (HOME) and/or Greek authorities – regarding, related to, or mentioning "Centaur," or "Hyperion," or other surveillance and security systems and equipment at existing and forthcoming migrant reception facilities on Samos, Kos, Leros, Lesbos, and Chios islands and in Fylakio, Evros in Greece.*
- 3) *All correspondence and documents regarding, related to, or mentioning impact assessments – including, but not limited to, fundamental rights impact assessment – conducted by Greek authorities related to existing and forthcoming migrant reception facilities on Samos, Kos, Leros, Lesbos, and Chios islands and Fylakio, Evros in Greece."*

You have also explained that *"'Centaur' or 'Hyperion,' or other surveillance and security systems and equipment' in this context refers to several systems the Greek Ministry of Migration and Asylum has publicly acknowledged have been and will be implemented at migrant reception facilities in Greece to facilitate security and controlled entry/exit" and that "'Migrant reception facilities' in this context refers to facilities also known as 'Multi-Purpose Reception and Identification Centres (MPRICs)' or 'Closed Controlled Access Centers.'"*





Please be informed that your request (No 000626) has been treated as an application for public access to documents falling under the provisions of Regulation (EC) No 1049/2001<sup>1</sup>, in accordance with Management Board Decision No 6 of 20 September 2011<sup>2</sup>.

Having carefully examined your application and after having consulted the relevant internal and external entities, please find below the Agency's comprehensive response thereto.

## I. RELEVANT DOCUMENTS IDENTIFIED

Being highly committed to the principle of good administration in general, as well as in the context of its communication with the public, the EUAA's services have carried (very) extensive administrative efforts in order to identify any relevant documentation.

As a result, the Agency has identified a total of 26 relevant documents falling under the scope of your application. These can be divided in the following two document-categories:

### Category 1):

- 2 email exchanges between the Agency and Greek Reception and Identification Service (RIS) regarding the entry/exist systems and the organisation of missions.

Please further note that one attachment enclosed with the email exchanges referred to above has separately listed under the below document category (2).

### Category 2):

- a) EUAA internal document on Greece policy developments update;
- b) Q2 Quarterly report on all Reception activities;
- c) Q3 Quarterly report on all Reception activities;
- d) Notes of an Internal Meeting 2.0;
- e) 10 monthly reports on work activities of EUAA-engaged embedded temporary agency workers;
- f) RIS Manual of Instructions for managing the entry-exit management of Closed Controlled Sites;
- g) Ministry of Migration and Asylum Financial Plan for 2021;
- h) Ministry of Migration and Asylum Draft National Reception Operating Plan;
- i) Asylum Service Instructions on the management of applications for temporary protection to displaced persons from Ukraine;
- j) Application "Hyperion", Sub-system "Temporary Protection" Manual of use;
- k) Ministerial Decision on Temporary protection;

<sup>1</sup> 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, (OJ L 145, 31.5.2001, p. 43).

<sup>2</sup> Management Board Decision No 6 of 20 September 2011 laying down practical arrangements to the documents of the European Asylum Support Office (EASO).



- l) RIS Decision on implementation of the procedures of reception and identification of mobile registration units and coordination of transfers;
- m) Instructions on how to activate internet access through the Mobile Application of Hyperion;
- n) Questionnaire on facility commanders' training needs;
- o) RIS Information on sites' population.

**Category 3):** No relevant documents were identified.

Pursuant to Article 4(4) of Regulation (EC) No 1049/2001, as regards third-party documents, the Agency shall consult the third party concerned with a view to assessing whether an exception in paragraph 1 or 2 of the above-mentioned Article is applicable, unless it is clear that the document shall or shall not be disclosed. As such, the Agency consulted the Greek Asylum Service (GAS), the Reception and Identification Service (RIS), as well as the European Commission on the potential disclosure of a number of documents (co-)originating therefrom.

## II. INDIVIDUAL ASSESSMENT OF THE IDENTIFIED DOCUMENTS

The EUAA is highly committed to the principle of transparency and the rights of individuals to access documents of EU institutions, bodies and agencies as laid down in both Article 15 of the TFEU and Article 42 of the Charter of Fundamental Rights of the EU. As such, I am pleased to inform you that you may find the document under **Category 2)(k)** enclosed with this present letter - in an unredacted manner.

Pursuant to the Agency's own assessment under Regulation (EC) No 1049/2001, multiple exceptions under Article 4 of Regulation (EC) No 1049/2001 do need to be taken into consideration however with regard to the remainder of documents falling under **Categories 1) and 2)** relating to:

- a) The protection of public security

Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 provides that the institutions **shall** refuse access to a document where its disclosure would undermine the protection of public security.

The remainder of documents under **Categories 1) and 2)** contain various types of sensitive operational information providing non-public insights into the internal working procedures and modalities of both RIS and GAS, as well as the operational cooperation between the EUAA and respective Greek national authorities in the context of the embedded model. These provide detailed insights into Member State authorities' modus operandi, practices and procedures relating to the reception of asylum seekers and processing asylum applications. The public disclosure thereof would seriously hamper the reception, registration and identification procedures established by RIS, as well as asylum procedures and interviews of asylum seekers carried out under the auspices of GAS. Moreover, in case these documents were to be publicly disclosed by the EUAA, the Greek authorities would not be in a position to fully exchange with the Agency information on their activities - in a cooperative spirit - in order to identify shortcomings and develop potential improvements, thereby ultimately hampering the Agency's operational activities. Such could put at risk the internal and external security of both Greece and the European Union. Disclosing such information would expose the working methods used in ongoing and future operations, putting at risk the efforts made by the



European Union, the EUAA and Member States in implementing the Common European Asylum System (CEAS). Moreover, the public disclosure of the afore-mentioned documents would have a serious negative effect on the mutual trust between the EUAA and the Greek national authorities, which in turn would seriously hamper the EUAA's ongoing operational activities in Greece under the respective Operating Plan. Therefore, access to these documents must be refused as per Article 4(1)(a), first indent of Regulation (EC) No 1049/2001.

In this sense, the Agency also recalls that well-established Union case law provides that *“the principle of strict interpretation of the exceptions set out in Article 4 of Regulation (EC) No 1049/2001 does not, in respect of the public interest exceptions provided for in Article 4(1)(a), preclude the institution concerned from enjoying a wide discretion for the purpose of determining whether disclosure of a document to the public would undermine the interests protected by that provision”*<sup>3</sup>.

b) The protection of personal data

The Agency further has to take into consideration the applicable personal data protection legislation and case law. Pursuant to Article 3(1) of Regulation 2018/1725<sup>4</sup>, ‘personal data’ means: *“any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”*. Article 4(1)(b) of Regulation (EC) No 1049/2001 stipulates that the institutions **shall** refuse access to a document where its disclosure would undermine the protection of privacy and integrity of individuals, in particular in accordance with Community legislation regarding the protection of personal data.

As regards the documents falling under **Categories 1) and 2)(d) and (e)**: these contain a variety of personal data, such as names of the EUAA's and other stakeholders' staff members and/or personnel. In the Agency's assessment, the disclosure of these documents would seriously undermine the protection of personal data of the natural persons whose names and/or other personal data are mentioned therein, in breach of the provisions of Regulation (EU) 2018/1725. Therefore, access to these documents must be refused in accordance with Article 4(1)(b) of Regulation (EC) No 1049/2001.

c) The protection of the decision-making process

According to Article 4(3), first subparagraph of Regulation (EC) No 1049/2001, access to a document drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, **shall** be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure. Pursuant to the second paragraph of the same article *“access*

<sup>3</sup> *ClientEarth vs European Commission, Case T-644/16, 11 July 2018.*

<sup>4</sup> *Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).*



to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned **shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.**"

The documents under **Categories 1) and 2)(b), (c), (d), (e), (n)**, are used for 'internal' communication purposes between the EUAA, RIS, GAS and the European Commission. These documents contain information related to preliminary discussions and commenting on different draft documents. The EUAA operates in a particularly dynamic environment and heavily relies on information received from, *inter alia*, Member States concerned on the basis of respective Operational Plan. In this context, the Agency and Member State in question require a collaborative environment wherein certain (operational) information can be shared in a confidential manner, based on mutual trust. In the absence of such a 'free space to think', the Agency's ability to make decisions in a most informed manner would be seriously impaired. Moreover, if these documents were to be made publicly disclosed, this would have a serious negative effect on the deliberations and mutual trust between the Member State and EUAA. Moreover, it may seriously impair the Member States' future provision of such (operational) information to the Agency, and thus negatively affect the resulting decision-making processes (also ex-post) and implementation of the Common European Asylum System (CEAS). A similar reasoning applies to the documents under **Categories 1) and 2)(f), (g), (h), (i), (j), (l), (m), (n) and (o)**, *inter alia*, as some of these are merely drafts and/or contain internal instructions from RIS and GAS addressed to their respective staff/personnel.

Moreover, the disclosure the document under **Category 2(g)** would undermine the decision-making procedure of the European Commission's services as well, in terms of the relevant financial policy of Greece.

The Agency further examined whether an overriding public interest exists in the disclosure of the afore-mentioned documents. In this sense, it has concluded there is no such an overriding public interest.

### III. PARTIAL ACCESS

In accordance with the principle of proportionality<sup>5</sup>, the Agency further examined whether partial access could be granted to the remainder of documents under **Categories 1) and 2)**. As such, it has concluded that such partial access can be provided in the present instance to the document under **Category 2)(a)**. Therefore, I am pleased to inform you that you may find the latter document enclosed to this letter – although subject to certain redactions.

However, the Agency is of the view that the afore-mentioned exceptions laid down in Article 4 of Regulation (EC) No 1049/2001 apply to the entire contents of the documents falling under **Categories 1) and 2) (except (a) and (k))**. The relevant case law provides that there is no obligation to grant partial access in case the remaining parts of the documents would be meaningless and/or the administrative burden of blanking out the parts covered by exceptions would be excessive<sup>6</sup>.

<sup>5</sup> *Hautala v Council, Case T-14/98, 19 July 1999.*

<sup>6</sup> *Judgment of the Court of first Instance of 7 February 2002 in case T-211/00, Kuijter v Council, & Judgment of the General Court of 20 March 2014 in case T-181/10, Reagens v Commission.*



More specifically, the administrative burden necessary to identify and redact the releasable elements would be disproportionate to the interest in the disclosure exercise itself, while the released documents would not convey any informative value due to their significantly reduced form. In light of the above considerations, the Agency does not consider it possible nor reasonably required to grant partial access to these documents.

#### IV. CONCLUDING OBSERVATIONS

The EUAA is highly committed to upholding the principles of transparency and good administration. As such, please be assured that my services have tried their utmost to accommodate your present (very) open-ended application for public access to various categories of documents, which required substantial administrative efforts.

As regards the redactions inserted in the document falling under Category 1)(a), as well as the non-disclosure of certain other documents falling under Categories 1) and 2), kindly note that the Agency is not in a position to disclose information which, if made public, would jeopardise the protection of personal data, public security and the decision-making process. Finally, I thank you for your interest in the EUAA.

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 the EUAA asking it to reconsider its position. Pursuant to Article 8 of Regulation (EC) No 1049/2001, the EUAA will reply to you within 15 working days from registration of such an application. You can submit a confirmatory application via the following methods:

**By post:**

The Executive Director  
European Union Agency for Asylum (EUAA)  
MTC Block A  
Winemakers Wharf  
Grand Harbour Valletta, MRS 1917  
Malta

**By electronic mail:** [pad.mailbox@euaa.europa.eu](mailto:pad.mailbox@euaa.europa.eu)

Yours sincerely,

Nina Gregori  
Executive Director



**Attachments:**

1. *document created by EUAA on the main priorities of the Greek government for 2021 (redacted);*
2. *Ministerial Decision on Temporary protection.*

