



Rozhodnutí ve věci 1959/2018/MIG o odmítnutí Evropské služby pro vnější činnost poskytnout veřejnosti plný přístup k dokumentům týkajícím se panelu Global Tech

Rozhodnutí

Případ 1959/2018/MIG - **Otevřeno dne** 22/11/2018 - **Rozhodnutí ze dne** 18/11/2019 - **Dotčený orgán** Evropská služba pro vnější činnost (Vyřešeno) |

V tomto případě šlo o odmítnutí Evropské služby pro vnější činnost (ESVČ) poskytnout veřejnosti plný přístup k dokumentům týkajícím se panelu Global Tech. ESVČ adresovala členům panelu, kterých se žádost dotýkala, čtyři dopisy.

Veřejná ochránkyně práv zjistila, že ačkoli byla ESVČ oprávněna odmítnout poskytnout veřejnosti plný přístup k těmto dopisům, rozsah informací, které byly upraveny, byl nadměrný. Veřejná ochránkyně práv proto navrhla řešení a požádala ESVČ o udělení rozsáhlejšího částečného přístupu s menším počtem úprav.

ESVČ přijala návrh řešení veřejné ochránkyně práv a udělila stěžovateli rozsáhlejší částečný přístup.

Veřejná ochránkyně práv tudíž uzavřela šetření a ocenila řešení, ke kterému se dospělo.

Background to the complaint

1. This case concerned the Global Tech Panel, an initiative of the EU's High Representative for Foreign Affairs and Security Policy bringing together leaders from the worlds of technology, civil society and diplomacy to address global challenges. [1] The Global Tech Panel was launched in 2018 and held its first two meetings in June and September 2018.

2. In September 2018, the complainant, an investigative journalist, asked the European External Action Service (EEAS) to grant him public access to all documents, such as notes or meeting minutes, related to the Global Tech Panel. [2]

3. The EEAS identified four letters as falling within the scope of the complainant's access request, namely two invitation letters and two follow-up letters concerning the panel's first two meetings. It granted the complainant partial access to these letters, redacting parts of them based on the need to protect, amongst other things, its decision-making and the commercial interests of the members of the Global Tech Panel that had attended the meetings. [3]



4. Dissatisfied with the EEAS' refusal to grant full public access, the complainant turned to the Ombudsman in November 2018.

5. The Ombudsman opened an inquiry and inspected the requested documents. She also held a meeting with representatives from the EEAS to obtain further clarification on the reasons for the partial refusal of public access.

The Ombudsman's proposal for a solution

6. The Ombudsman welcomed the substantial partial access to the letters which the EEAS had already granted. However she found that some of the redactions, which the EEAS had made, were not justified. In particular, the Ombudsman considered that the EEAS had applied too restrictively the exemptions that aim to protect its decision-making and the relevant commercial interests.

7. The Ombudsman therefore proposed that the EEAS should further grant the complainant increased partial access to the four letters at issue. [4]

8. The EEAS accepted the Ombudsman's proposal for a solution and granted the complainant increased partial access. It provided the Ombudsman with a less redacted version of the requested documents which the Ombudsman forwarded to the complainant. The Ombudsman gave the complainant the opportunity to comment on the EEAS' response to her proposal for a solution but did not receive any comments from the complainant.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

The Ombudsman welcomes the European External Action Service's decision to accept her proposal for a solution and to grant the complainant increased partial access to the requested documents, in line with the principles set out in her proposal for a solution.

The complainant and the EEAS will be informed of this decision .

Emily O'Reilly

European Ombudsman Strasbourg, 18/11/2019

[1] For further information on the Global Tech Panel, visit

https://eeas.europa.eu/headquarters/headquarters-homepage/50886/about-global-tech-panel_en

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[2] Under Regulation 1049/2001 regarding the access to European Parliament, Council and Commission documents:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN> .

[3] In accordance with Article 4(2) first indent and 4(3) of Regulation 1049/2001.

[4] For further information on the background to the complaint, the parties' arguments and the Ombudsman's inquiry, please refer to the full text of the Ombudsman's proposal for a solution available at: <https://www.ombudsman.europa.eu/en/solution/en/118357> .