

Decision in case 948/2020/MIG on the European Border and Coast Guard Agency's (Frontex) refusal to deal with a request for public access to documents concerning its budget

Decision

Case 948/2020/MIG - Opened on 15/09/2020 - Decision on 14/10/2020 - Institution concerned European Border and Coast Guard Agency (Solution achieved) |

The case concerned a request for public access to documents concerning Frontex's budget. The complainant turned to the Ombudsman as Frontex refused to process his request because he did not provide proof of his identity in the manner requested by Frontex.

The Ombudsman found that the complainant's request could be addressed by providing him with some useful information. She therefore made a corresponding proposal for a solution.

Frontex accepted the Ombudsman's proposal for a solution. The Ombudsman thus closed the inquiry finding that the complaint had been settled. The Ombudsman is pursuing the underlying issue of proof of identity in the context of her inquiry into joined cases 1261/2020/MAS and 1361/2020/MAS.

Background to the complaint

1. In March 2020, the complainant made a request [1] for public access to documents to Frontex, seeking documents containing information about *"the expected amount of funding (such as financial aid) that Frontex will receive from Germany in 2020. If unknown, the received amount in 2019."*

2. Frontex did not start processing the complainant's request as he did not provide proof of his identity in the manner requested by Frontex.

3. The complainant therefore turned to the Ombudsman in May 2020.

The Ombudsman's proposal for a solution

4. The Ombudsman considered that, while the complainant had indeed asked Frontex to give him access to *documents*, his request could be addressed by providing relevant *information* to him.



5. On 15 September 2020, the Ombudsman made a proposal for a solution that Frontex could respond to the complainant's access request by providing him with some useful clarifications and information.

6. On 8 October 2020, Frontex responded to the complainant, explaining the rules applicable to its budget and, in particular, that it does not receive funding directly from any specific Member State. Frontex also provided the complainant with an overview of its (provisional) budget for the years 2018 to 2020, and informed him where he could send possible follow-up questions.

7. The complainant told the Ombudsman that he was satisfied with this outcome.

8. The Ombudsman welcomes Frontex's acceptance of her proposal for a solution and considers that this has resolved the complaint.

9. The Ombudsman notes, however, that this complaint also raised the more general issue of how Frontex deals with requests for public access to documents, and in particular, the manner in which Frontex requires proof of identity to be provided. The Ombudsman has informed the complainant that she is assessing that aspect of his complaint in the context of her inquiry into joined cases 1261/2020/MAS and 1361/2020/MAS [2] .

Conclusion

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

The European Border and Coast Guard Agency has accepted the Ombudsman's proposal for a solution.

The complainant and Frontex will be informed of this decision .

Rosita Hickey

Director of Inquiries Strasbourg, 14/10/2020

[1] Under Regulation 1049/2001 on public access to European Parliament, Council and Commission documents:
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN> [Link], applicable to Frontex pursuant to Article 114(1) of Regulation 2019/1896 on the European Border and Coast Guard: <https://eur-lex.europa.eu/eli/reg/2019/1896/oj> [Link].



[2] Information on the Ombudsman's inquiry into joined cases 1261/2020/MAS and 1361/2020/MAS is available at:

<https://www.ombudsman.europa.eu/en/opening-summary/en/133207> [Link].