

How the European Council dealt with a request for public access to mobile phone based messages supposedly sent by its then President to heads of state and government

Case 1219/2020/MIG - Opened on 26/10/2020 - Decision on 26/10/2020 - Institution concerned European Council (No maladministration found) |

The complaint concerns a request for public access to mobile phone based messages that were sent by the President of the European Council to heads of state and government in 2018. The European Council said that it did not hold any messages that would constitute a 'document', under the EU's rules on public access to documents. The complainants questioned this argument. The Ombudsman found that the European Council's argument was legally correct, and she thus found no maladministration. However, she noted that the complaint raises important issues, notably the need for adequate record-keeping when it comes to text and instant messaging, which is increasingly used for professional communication, including communication of substantive information. In light of their duty to draw up and retain documentation pertaining to their activities, EU institutions should reflect this reality in their respective rules on the registration of documents, ensuring that relevant communication is properly recorded.