

Meeting on how the European Border and Coast Guard Agency (Frontex) dealt with a request for public access to correspondence with journalists

Correspondence - 18/12/2020

Case 1939/2020/ABZ - **Opened on** 18/12/2020 - **Decision on** 14/07/2021 - **Institution concerned** European Border and Coast Guard Agency (Solution achieved) |

Mr Michael Juritsch

Head of the Inspection and Control Office

European Border and Coast Guard Agency (Frontex)

Dear Mr Juritsch,

The Ombudsman has received a complaint from Mr X against Frontex. The Ombudsman has asked me to deal with the case on her behalf.

The complaint is about how Frontex dealt with a request for public access to correspondence with journalists.

The complainant had requested public access to the following documents:

A list of e-mails that were sent from the e-mail account press@frontex.europa.eu to journalists and in which Frontex criticised their reporting or asked them to make corrections, as well as all internal documents showing how these e-mails were created, designed, sent and evaluated.

Frontex informed the complainant that it does not hold the requested documents. The complainant made a confirmatory application to Frontex. Frontex did not deal with the confirmatory application, claiming that it had not been made within the time limit foreseen in Regulation 1049/2001.

We have decided to open an inquiry into this complaint. For the purposes of the inquiry, it would be helpful to meet with the relevant representatives of Frontex to discuss the case matter. In particular, we would like to clarify the following points:



1. The points raised in the complaint about whether or not the complainant received and accessed Frontex's reply of 6 February 2020.
2. Whether or not Frontex holds any documents that could fall within the scope of the complainant's request. In this regard, we would like to discuss in particular the letter that Frontex sent to the operators of the website correctiv.org on 12 August 2019. [1]
3. How Frontex ensures that all documents relevant to a request for public access to documents are found within its system.

Please note that we have recently received another complaint against Frontex from the same complainant. This concerns a request for access to documents about the development of Frontex's public access portal. We will provide you with further information on that complaint in January 2021. For reasons of procedural economy, it would be helpful to discuss that complaint during the same meeting, if possible.

We would be grateful if your office could contact Mr Markus Spoerer, (markus.spoerer@ombudsman.europa.eu), who is in charge of this inquiry, to agree the arrangements for the meeting to take place at the end of January 2021.

Information or documents that your institution considers to be confidential will not be disclosed to the complainant or any other person without the prior agreement of the Frontex.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 18/12/2020

[1] The letter can be found at the following address:

<https://correctiv.org/aktuelles/2019/08/15/frontex-hat-uns-geschrieben-wir-haben-geantwortet/>
[Link]