

How the European Border and Coast Guard Agency (Frontex) dealt with a request for public access to documents concerning tracking data of vessels used in Frontex maritime operations

Case 233/2021/OAM - Opened on 10/02/2021 - Decision on 30/03/2021 - Institution concerned European Border and Coast Guard Agency (No maladministration found) |

The complainant is a Member of the European Parliament, who requested from the European Border and Coast Guard Agency (Frontex) tracking data for 16 vessels used in Frontex maritime operations. Frontex identified data concerning 15 vessels, but invoked an exception provided for under the EU's rules on public access to documents to refuse to disclose this data, arguing that doing so could undermine the protection of public security. The complainant requested that Frontex review its decision. In reply, Frontex stated that it could identify no documents falling under the complainant's request. The Ombudsman's inquiry confirmed that Frontex did not hold documents containing the specific data requested. She nevertheless assessed the substantive position set out by Frontex with respect to documents containing similar data, among others vessel positioning data, and found that refusal of such documents would be justified. On this basis, she found no maladministration in Frontex's decision to refuse public access to those documents. However, the Ombudsman called on Frontex to ensure a consistent approach when replying to requests for public access to documents, diligently verifying what documents it holds and offering comprehensive explanations.