



Letter from the European Ombudsman to the European Union Agency for Law Enforcement Cooperation's (Europol) on its refusal to grant public access to documents concerning Europol's contractual relationship with two companies

Correspondence - 22/02/2021

Case 320/2021/DDJ - **Opened on** 22/02/2021 - **Decision on** 14/06/2021

Mr Sébastien Moras

Head of the Corporate Affairs Bureau

Europol

Strasbourg, 22/02/2021

Complaint 320/2021/DDJ

Subject of case: The European Union Agency for Law Enforcement Cooperation's (Europol) refusal to grant public access to documents concerning Europol's contractual relationship with two companies.

Dear Mr Moras,

The Ombudsman has received a complaint from Mr X against the European Union Agency for Law Enforcement Cooperation (Europol) concerning the above issue. She has asked me to deal with the case on her behalf.

The complainant is seeking public access to documents relating to Europol's contractual relationship with X and X. Europol has identified 69 documents as falling within the scope of this request. It granted (partial) access to thirteen documents, and refused access to the remaining documents, relying on the need to protect the public interest as regards public security and the need to protect the privacy and integrity of individuals. The complainant does not agree with Europol's decision and he would like to be granted full public access to all documents identified.



We have decided to open an inquiry into Europol's decision to refuse access under the EU's rules of public access to documents.

Regulation 1049/2001 states that applications for access to documents should be handled promptly. It is in line with this principle that the Ombudsman also seeks to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the documents at issue in the complainant's request. We would therefore be grateful if Europol could provide us with copies of these documents, along with a list of these documents, through secure channels [1] , preferably by **3 March 2021** .

The documents subject to the public access request will be treated confidentially, along with any other material Europol chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

Europol's position has been set out in the initial and confirmatory response to the complainant's request. However, should Europol wish to provide additional views, to be taken into account by the European Ombudsman during this inquiry, we would be grateful if they could be provided to us within fifteen working days of receipt of this letter, that is, by **15 March 2020** .

A meeting between Europol and the Ombudsman's inquiry team to discuss this case could be envisaged at a later stage, once the documents have been reviewed.

Should you have any questions, please feel free to contact the case handler, Mr Diesmer de Jonge.

Yours sincerely,

Rosita Hickey Director of Inquiries

[1] Through encrypted e-mail or other secure channels. To coordinate the transfer of documents, the responsible case handler may be contacted. Encrypted e-mails can be sent to Mr Gaël Lambert, Information Technology Officer at the European Ombudsman.