

Letter from the European Ombudsman to the European Border and Coast Guard Agency (Frontex) on its refusal of public access to documents concerning expenses incurred in relation to the annual 'European Border and Coast Guard Day'

Correspondence - 26/03/2021

Case 540/2021/ABZ - Opened on 26/03/2021 - Decision on 12/04/2021 - Institution concerned European Border and Coast Guard Agency (No further inquiries justified) |

Head of the Inspection and Control Office

European Border and Coast Guard Agency

(Frontex)

Strasbourg, 26/03/2021

Complaint 540/2021/ABZ

Subject of case: Frontex's refusal of public access to documents concerning expenses incurred in relation to the annual 'European Border and Coast Guard Day'

Dear Mr Y,

The Ombudsman has received a complaint from journalist Mr X against the European Border and Coast Guard Agency (Frontex).

The complaint concerns Frontex's refusal to provide public access to documents concerning expenses incurred in relation to the annual 'European Border and Coast Guard Day', in particular, the expenses concerning the evening dinner organised on this occasion in the years 2016, 2017, 2018 and 2019.

The complainant considers that, as Frontex provided public access to documents containing such data related to the same event held in 2015, documents containing data for the years



2016-2019 should also be disclosed.

Frontex refused access on the grounds that releasing this information would undermine the protection of commercial interests. Frontex did, however, provide the complainant with partially redacted documents showing the names of restaurants where the above-mentioned events took place. Frontex also informed the complainant that it would provide him with further information relating to the expenses concerning the events held by Frontex in the years 2016-2019.

We have decided to open an inquiry into Frontex's decision to grant only partial access to the requested documents under Regulation 1049/2001.

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

As a first step, I consider it necessary to review the documents at issue in the complainant's request. I would be grateful if Frontex could provide us with a non-redacted version of the documents it identified as falling under the scope of the complainant's request, preferably in electronic format through encrypted e-mail, [1] by **7 April 2021**.

The documents subject to the public access request will be treated confidentially, along with any other material Frontex 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.

Frontex's position has been set out in its confirmatory response. However, should Frontex wish to provide additional views, to be taken into account by the Ombudsman during this inquiry, I would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, by **21 April 2021**.

If you have any questions, the responsible case-handler is Ms Anna Zejc.

Yours sincerely,

Rosita Hickey Director of Inquiries

[1] Encrypted emails can be sent to our dedicated mailbox eo-secem@ombudsman.europa.eu. Please contact eo-secem@ombudsman.europa.eu beforehand.