

## How the European Commission dealt with a request for public access to reports on the situation of migrants in Greece

Case opened

**Case** 211/2022/TM - **Opened on** 11/02/2022 - **Decision on** 28/06/2022 - **Institution concerned** European Commission ( No further inquiries justified ) |

Secretariat-General

Head of Unit - C2

Ethics, Good Administration &

Relations with the European Ombudsman

European Commission

Dear Mr X,

The Ombudsman has received a complaint against the European Commission.

In June 2021, the complainant asked the Commission for public access to (i) *“technical and detailed reports”* from the Commission’s representatives in two migration hotspots in Greece and (ii) *“Migration Management Reports in Greece”* for specific periods. This complaint relates to the first part of the complainant’s request for public access under Regulation 1049/2001 [point (i)].

The Commission identified 38 documents as falling within the scope of the first part of the complainant’s request, namely *“daily reports, which consolidate the reports of all EU Commission’s representatives on hotspot islands”*, and provided wide partial access, subject to the redaction of personal data. The complainant considered that the Commission narrowed down the scope of his request, as it did not identify the emails from Commission staff in the two



hotspots on which the 'daily reports' are based. The Commission said that these emails from its representatives in Greece are not registered in its documents management system, as they are short-lived and very technical in nature.

We have decided to open an inquiry into the Commission's handling of the complainant's access request.

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

As a first step, we consider it necessary to review the daily reports, which were disclosed to the complainant, as well as a sample of the “ *technical and detailed reports produced by the EU Commission representative on the islands* ”, to the extent that they still exist. We would therefore be grateful if the Commission could provide us with a copy of the emails related to the period 1 January 2021 to 1 February 2021, preferably in electronic format through encrypted e-mail, [1] by **21 February 2022** . If this is not possible, we would ask the Commission to provide a more recent sample of such emails instead (for example, for the period 1 January 2022 to 1 February 2022), along with the corresponding daily reports.

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

The Commission's position has been set out in its confirmatory response. However, should the Commission wish to provide additional views, to be taken into account by the Ombudsman during this inquiry, we would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, by **7 March 2022** .

In addition, we consider it would be helpful to schedule a meeting between the Commission and the Ombudsman inquiry team at which this case can be discussed. The inquiries officer responsible for the case, Ms Tereza Mandjukova, can be reached to arrange the details of this meeting, ideally to take place before **10 March 2022** .

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 11/02/2022

[1] Encrypted emails can be sent to our dedicated mailbox.