

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

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

The complainant asked the European Commission for public access to reports on the situation of migrants on Greek islands. The Commission identified a number of documents as falling under the request and disclosed parts of these. The complainant then requested access to emails from Commission staff present in Greece on which the reports are based. However, the Commission says it did not register those emails as it did not consider them to fall under its criteria for registering documents due to their content and short-lived nature. The Ombudsman took the view that the emails requested by the complainant were 'documents' within the meaning of the EU legislation on public access to documents. Therefore, the Commission should have identified and assessed whether public access could be granted to the documents that still existed at the time of the access request. The fact that the Commission did not do so constituted maladministration. As the Commission informed the Ombudsman that the documents in question no longer exist, she considered that making a recommendation to the Commission would not serve any useful purpose, and therefore closed the inquiry. However, for future requests, she urged the Commission to identify and assess all documents falling within the scope of the request.