



## The time taken by the European Commission to deal with requests for public access to documents

**Case** OI/2/2022/OAM - **Opened on** 04/04/2022 - **Recommendation on** 21/09/2023 - **Special report on** 21/09/2023 - **Decision on** 18/09/2023 - **Institution concerned** European Commission ( Maladministration found ) |

The Ombudsman's own-initiative inquiry looked into how the European Commission deals with requests for public access to documents; in particular, how it complies with the time limits for dealing with requests, which are set out in the EU legislation on public access to documents.

The Ombudsman's inquiry found that there are systemic and significant delays, particularly in how the Commission deals with requests to review initial decisions on access requests, and that it often fails to meet the time limits set out in the applicable legislation by a considerable amount. The Ombudsman has consistently taken the view that 'access delayed is access denied', as documents and information sought are often time sensitive and can lose relevance to the requester if delays occur. The significant systemic delays and failure by the Commission to comply with the time limits in the legislation amount to maladministration.

The Ombudsman made a [recommendation \[Link\]](#) to the Commission to address this situation, as a matter of priority. In reply, the Commission acknowledged the importance of handling public access requests in a timely manner, but also noted that it has faced challenges due to



the increase in the number of requests and their complexity. [The Commission's response \[Link\]](#) suggested that it processes requests without any major issues. However, this not consistent with the findings of the Ombudsman's inquiry and complaints submitted to her. Over the course of the Ombudsman's inquiry, there was a significant increase in the number of Ombudsman inquiries into complaints about delays to public access requests.

As these cases often concern issues of public importance, with complainants often waiting for many months for a reply and not being given clear information, the Ombudsman considered it appropriate to bring the matter to the attention of the European Parliament by means of a [Special Report \[Link\]](#).