

The European Commission's refusal to give public access to documents related to its proposal for a Regulation on the European Health Data Space (COM(2022) 197 final)

Case 1999/2022/SF - Opened on 28/11/2022 - Decision on 19/12/2023 - Institution concerned European Commission (No further inquiries justified) |

The complainant, a journalist, asked the European Commission to give public access to documents related to its proposal for a regulation on the European Health Data Space. The Commission identified certain documents as falling under the scope of the request but refused to disclose these. In doing so, it invoked exceptions under the EU legislation on public access to documents, arguing that disclosure could undermine an ongoing decision-making process and legal advice. It then failed to reply within the applicable timeframe to the complainant's request that it review its decision, which is considered to be a tacit refusal of access under the applicable rules.

The Ombudsman opened an inquiry and sought to inspect the documents in question. In doing so, the Ombudsman noted that the documents relate to an ongoing legislative decision-making process about which there is a heightened public interest, which implies a greater need for transparency.