



## Ombudsman launches 'fast-track' complaint procedure for access to documents

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The European Ombudsman, **Emily O'Reilly**, has introduced a new fast-track procedure to deal with access to documents complaints.

Under the new system the Ombudsman will be able to take a decision within two months of receiving the complaint.

Access to documents decisions can be prioritised in this way as – unlike other complaints alleging maladministration – the institution will in general have already fully outlined its reasons for its decision when the Ombudsman receives the complaint.

The Ombudsman therefore no longer sees any value in taking the normal intermediary step of asking the institution for its views at the start of an investigation, a practice which has led to long delays in decision-making.

Around 10 percent of Ombudsman inquiries concern refusals or delays by EU institutions in releasing documents requested under the EU's transparency regulation.

*"Citizens need to try access documents while they are still relevant. Information delayed is information denied,"* said Ms O'Reilly.

*"While ensuring compliance with the EU's law on public access, I will also continue to push for the adoption of a proactive approach to the timely publication of information in the public interest."*



The office has dealt with 19 fast-track complaints since 1 September 2017 in a trial phase. To date all decisions have been made within two months.

The new initiative is part of Ms O'Reilly's overall strategy to improve the effectiveness of her office.

*" The new procedure does not mean that more documents will be released but at least people will have the opportunity to try to access them while they're still relevant or to have quick confirmation that the institution has validly withheld them ,"* said Ms O'Reilly.

### **Making an access to documents complaint**

EU institutions or bodies can refuse access to documents by relying on exceptions under the EU's rules on access to documents .

A person can turn to the Ombudsman if they have gone through the procedure for requesting access to a document and the EU institution or body has either not replied or else confirmed its decision to partially or completely refuse access.

The Ombudsman will decide whether she can open an inquiry into the complaint within five days. This depends on whether a complaint is admissible (for example, whether the complainant has exhausted the procedure for requesting documents from the EU body in question).

The Ombudsman aims to take a decision within 40 working days of receiving the complaint, although some complex cases might take longer.

If the Ombudsman finds the EU institution or body was wrong to refuse access to the document she may recommend that it grant either full or partial access to the documents in question.