

Ms Emily O'Reilly
European Ombudsman

Warsaw, 4 June 2021

Our ref: LPU/TK/5058b/2021
Please quote when replying.
Your reference: 1939/2020/MAS - 20/4/2021

Subject: Frontex's reply to proposal for a solution on how Frontex dealt with a request for public access to correspondence with journalists - EO case 1939/2020/MAS

Dear Ms O'Reilly,

Thank you for your letter of 10 May 2021 and your suggestion for a solution, which Frontex welcomes. Your suggestion coincided with a new application of the complainant (PAD-2021-00161), submitted also on 10 May 2021, in which he expands the temporal and material scope of the confirmatory application PAD-2020-00196 submitted on 29 October 2020. For your convenience, the initial application PAD-2020-0003, the confirmatory application PAD-2020-00196 with a different scope, and the new application PAD-2021-00161 are attached as Annexes I to III.

On 11 May 2021, Frontex contacted the complainant through its ICT tool under his application PAD-2021-00161. Frontex informed the complainant:

- about your proposed solution, which is based on the confirmatory application PAD-2020-00196;
- that application PAD-2021-00161 has a wider scope than confirmatory application PAD-2020-00196.

Frontex thus sought to ascertain whether the complainant wanted his confirmatory application 2020-00196 to be registered as a new initial application or, due to the wider scope going beyond the scope of PAD-2020-00196, whether he preferred his new application PAD-2021-00161.

Upon the complainant's request of 11 May 2021 and in agreement with Mr. Spoerer, on 12 May 2021, Frontex made document "SOLUTION_202001939_20210510_110247" available to the complainant. Frontex further informed the complainant that 13 and 14 May 2021 were non-working days for its Transparency Office.

On 13 May 2021 the complainant replied: "... I agree with the Ombudsman's solution in this case and would welcome if you agreed with it as well. Since my new request is wider in terms of the timeframe, I would prefer if you answered this one instead."

As, based on the previous applications, the scope of this application PAD-2021-00161 was clear, Frontex registered application PAD-2021-00161 on 17 May 2021.

Frontex stands ready to provide you and the complainant with any further information you may require.

Yours sincerely,



Fabrice Leggeri
Executive Director

Annex I

PAD-2020-00003

Sehr geehrte Damen und Herren,

auf Basis der Verordnungen 1049/2001 sowie 1367/2006 bitte ich Sie um Übersendung von Dokumenten, die folgende Informationen enthalten:

Laut <https://twitter.com/frederikrichter/status/1161633524379717634> wurden vom Emailaccount press@frontex.europa.eu Emails an Journalisten geschickt, in denen offenbar die Berichterstattung über Frontex kritisiert wurde.

Ich hätte gerne eine Liste dieser Emails mit solchen Korrekturaufforderungen, Beschwerden über Berichterstattung oder ähnlichen Anliegen sowie alle internen Unterlagen (Memos, Briefe, Entwürfe, Notizen, Protokolle, Emails) darüber, wie diese Emails entstanden, entworfen oder verschickt und ausgewertet wurden.

Diese Anfrage erstreckt sich auch auf solche Informationen, die nach den EU-Archivierungsregeln nicht als "wichtig" oder archivierungspflichtig angesehen werden, also insbesondere auch Emails, die sich noch auf dem Postfach des accounts press@frontex.europa.eu befinden.

The core of which is translated as

Documents containing the following information According to [https://twitter.com/\[Name expunged in accordance with Article 4\(1\)\(b\) of Regulation \(EC\) No 1049/2001\]](https://twitter.com/[Name expunged in accordance with Article 4(1)(b) of Regulation (EC) No 1049/2001]), emails were sent to journalists from the email account press@frontex.europa.eu, apparently criticising reporting on Frontex.

I would like a list of these emails with such requests for correction, complaints about the reporting or similar concerns, as well as any internal documents (memos, letters, drafts, notes, minutes, emails) about how these emails were created, designed or sent and evaluated.

This application also extends to such information that is not considered "important" or subject to archiving under EU archiving rules, including in particular emails that are still in the mailbox of the account press@frontex.europa.eu.

Annex II

PAD-2020-00196

*Dear Transparency Team,
please pass this on to the person who reviews confirmatory applications.*

On 15 January, I requested all correspondence by press@frontex.europa.eu sent to journalists who had criticized Frontex. You answered that there are no documents falling under the scope of the request.

Since I gave Frontex an example of such an e-mail (which is still available at https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2Ffrederikrichter%2Fstatus%2F1161633524379717634&data=04%7C01%7Cpad%40frontex.europa.eu%7C6bb3aa78abff46620a0908d87be1ef80%7C1a17d6bf51554e22bf292ba5da77f037%7C0%7C0%7C637395557618054700%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJB Til6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=jF1a65BytQ7oBG509N6OKEHO8wlIKtquo0t3dNIFjW4%3D&reserved=0), there has to be at least one. In fact, I know that there are more, including e-mails to Guardian staff. Please have a look at your database once more.

Mit freundlichen Grüßen

Annex III

PAD-2021-00161

Sehr geehrte Damen und Herren,

Laut

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2Ffrederikrichter%2Fstatus%2F1161633524379717634&data=04%7C01%7Cfrontex%40frontex.europa.eu%7C806c640c8710401bc1b208d9139e3b53%7C1a17d6bf51554e22bf292ba5da77f037%7C0%7C0%7C637562393155994018%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBtil6lk1haWwiLCJXVC16Mn0%3D%7C1000&sdata=r5706y6gCHcYyYVrhAwKhR4gPV4DclW5O%2ByRwZAaddE%3D&reserved=0> wurden vom E-Mail-Account *press@frontex.europa.eu* E-Mails an Journalisten geschickt, in denen offenbar die Berichterstattung über Frontex kritisiert wurde.

Bitte senden Sie mir alle E-Mails von Frontex vom Account press@frontex.europa.eu aus den Jahren 2019, 2020 und 2021 zu, die solche Korrekturaufforderungen, Beschwerden über Berichterstattung oder ähnliche Anliegen enthalten.

Die E-Mails sind offensichtlich vorhanden. Die Anfrage ist klar umrissen und muss nicht eingegrenzt werden. Sollten Sie anderer Ansicht nach, teilen Sie mir bitte mit, wie die Anfrage eingegrenzt werden könnte.

Diese Anfrage erstreckt sich auch auf solche Informationen, die nach den EU-Archivierungsregeln nicht als "wichtig" oder archivierungspflichtig angesehen werden, also insbesondere auch E-Mails, die sich noch auf dem Postfach des Accounts press@frontex.europa.eu befinden.

Ich weise ausdrücklich darauf hin, dass ich eine Antwort per E-Mail an diese Adresse und nicht über ein Webportal wünsche.

Mit freundlichen Grüßen

The core of which is translated as

Please send me any emails from Frontex from the press@frontex.europa.eu account from 2019, 2020, and 2021 that contain such correction requests, reporting complaints, or similar concerns.

The emails are obviously available. The request is clearly outlined and does not need to be narrowed down. If you disagree, please let me know how the request could be narrowed.

This request extends to information that is not considered "important" or subject to archiving under EU archiving rules, including, in particular, emails that are still in the mailbox of the press@frontex.europa.eu account