



Annual report on access to documents requests under Regulation 1049/2001 in 2019 and 2020

I. Transparency and the right of access to documents

Transparency and accountability are essential for an effective administration and to increase the legitimacy of the EU. As set out in the Ombudsman's strategy 'Towards 2024'¹, transparency is a core priority of the European Ombudsman.

The Ombudsman's Office aims to serve as an example of open, transparent and accountable administration.

According to the Treaty on the Functioning of the European Union (Article 15), citizens and legal persons residing in the EU have a right to access any document held by almost all EU institutions. This is also a fundamental right recognised in the Charter of Fundamental Rights of the EU (Article 42).

Under the EU's rules on public access to documents² (the 'Regulation'), members of the public may contact the EU institutions and bodies to request access to specific documents (where they are aware of their existence) or to ask that the institution identify documents on a specific matter to which they want access. The institutions can refuse access only in exceptional circumstances, where disclosing the documents would undermine certain interests set out in the Regulation.

This report provides an overview of the Ombudsman's Office implementation of the Regulation according to its Article 17(1) for the years 2019 and 2020.

II. The procedure

The Ombudsman adheres to the principle of openness and proactively publishes core business documents; this includes key documents from Ombudsman cases on the inquiries section of our website, as well as all documents adopted in relation to strategy, policy and management.

¹ The full text of European Ombudsman strategy: 'Towards 2024' - Sustaining Impact is available here: <https://www.ombudsman.europa.eu/en/strategy/our-strategy/en>.

² See Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32001R1049>



In addition to proactive disclosure, the Ombudsman provides access to documents upon request. The Freedom of Information Team (FOI team) handles initial requests in accordance with the Regulation and the Ombudsman's Decision on the handling of requests for public access to documents. The FOI team currently comprises two Transparency Officers (TOs) and two colleagues specialised in document management who assist the TOs. The FOI team members' responsibilities related to the public access requests are combined with their main responsibilities as set out in the job description for the relevant post.

The Secretary-General handles requests for review (which are known as 'confirmatory applications').

More information on how to make a request for public access to documents of the Ombudsman is available on our website³.

II. Figures and findings for the period 2019 and 2020

2019

In 2019, the Ombudsman received 37 requests for public access to documents. 22 requests concerned complaint related documents. The remaining 15 requests concerned institutional, human resources and budget matters as well as internal procedures and statistical information.

Wide partial access was granted in 18 complaint related requests. The minor redactions applied to the disclosed documents concerned the need to protect personal data in accordance with Article 4(1)(b) of Regulation 1049/2001 together with Regulation 2018/1725⁴. Three requests related to ongoing inquiries at the date of the request. Thus, disclosure at that point in time was prevented by Article 4(2) third indent (protection of the purpose of inspections, investigations and audits) and Article 4(3) first subparagraph (protection of the decision-making process and no final decision has been taken) of the Regulation. One request related to a complaint handled as confidential for the protection of the privacy and personal integrity of the complainant. Access was thus denied in accordance with Article 4(1)(b) of the Regulation.

Wide partial access was also granted in all 15 non-complaint related requests. We disclosed a total of 3 319 pages.

We sought a 'fair solution' according to Article 6(3) with one applicant concerning a request to a very large number of documents.

³ <https://www.ombudsman.europa.eu/en/office/publicregister/en>

⁴ Regulation 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN>



In one case, the Ombudsman did not hold any documents falling within the scope of the request and informed the applicant accordingly. The applicant made a request for review, which confirmed the initial assessment. There were no other requests for review during this period.

2020

In 2020, the Ombudsman received 22 requests for public access to documents. 18 requests were complaint related and four concerned institutional matters. We disclosed a total of 1 576 pages. Wide partial access was given in all cases. There were no requests for review during this period.

III. Cooperation with other EU bodies and third parties

A request for public access to documents may concern documents originating from third parties (other EU bodies, natural or legal persons). In such cases, and unless it is apparent that the documents falling within the scope of the request should or should not be disclosed, the EU body concerned may consult the author of the document based on Article 4(4) of the Regulation.

In 2019, the Ombudsman consulted other EU institutions and bodies in four cases and three EU bodies consulted the Ombudsman on the possible disclosure of documents originating from us.

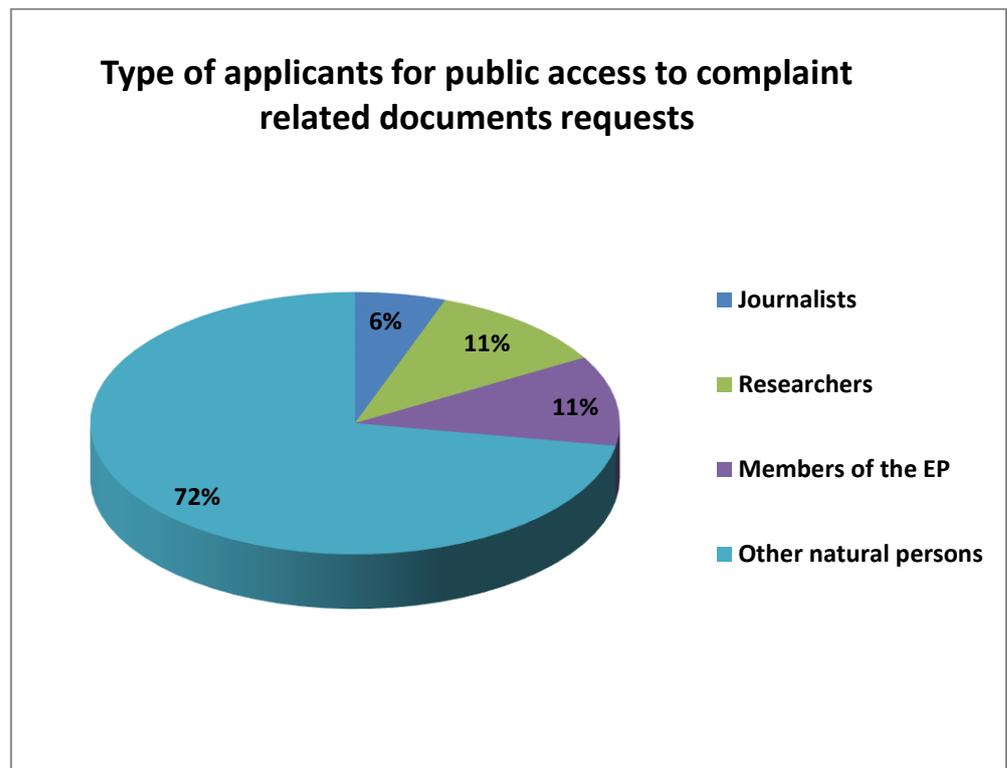
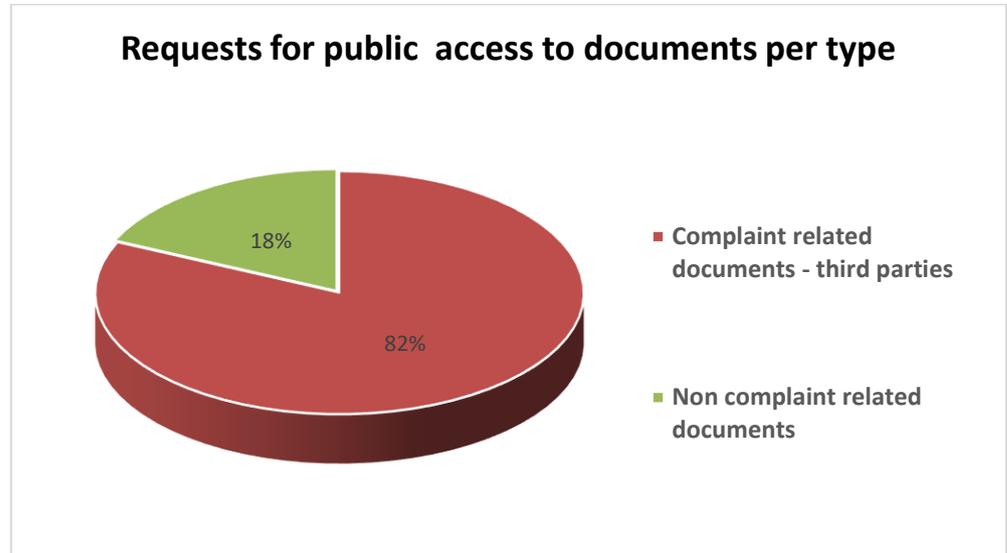
In 2020, the Ombudsman consulted one natural person, one legal person and one EU agency with a view to providing broader access to the requested documents.

Annex: Charts and Statistics



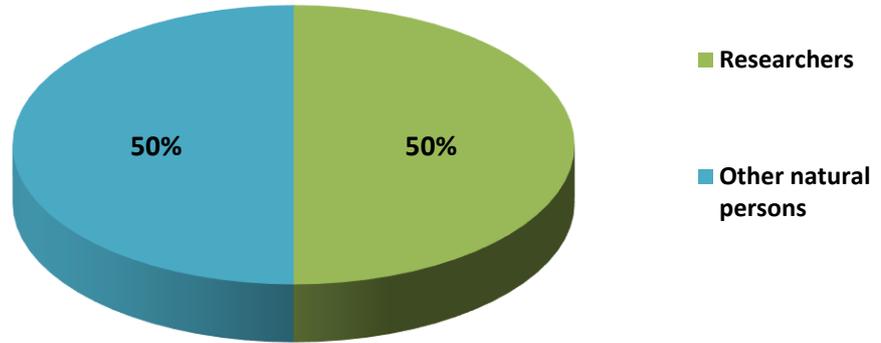
ANNEX

Initial applications for public access to documents to the European Ombudsman for the year 2020

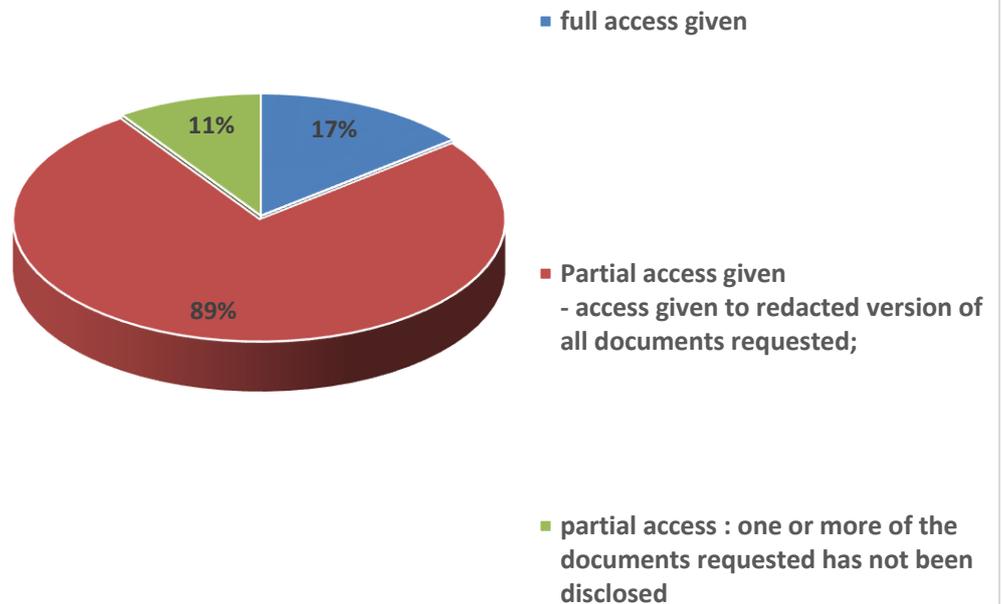




Type of applicants for public access to non-complaint related documents requests

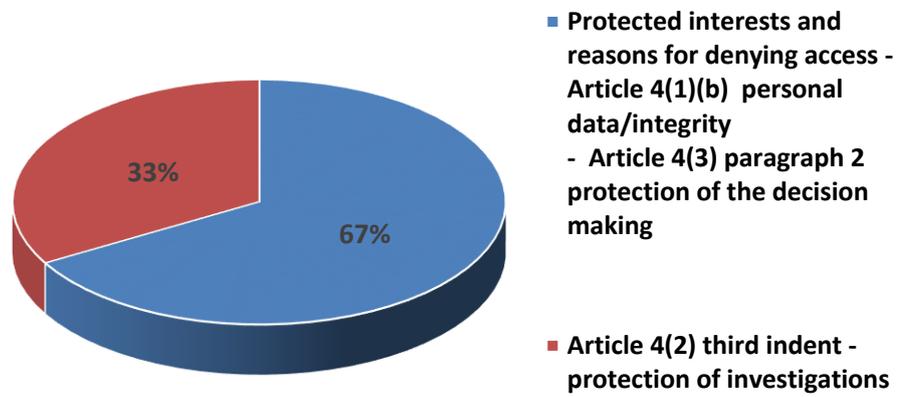


Type of access granted to requests for public access to complaint related documents





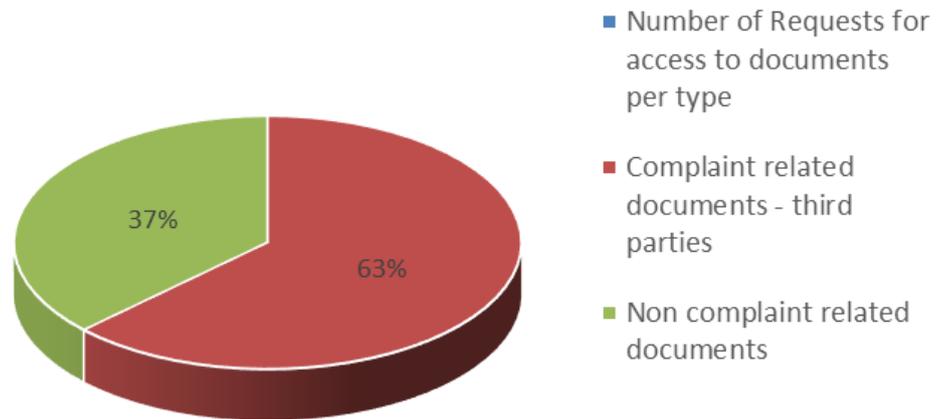
Reasons for denying access to some of the complaint related documents



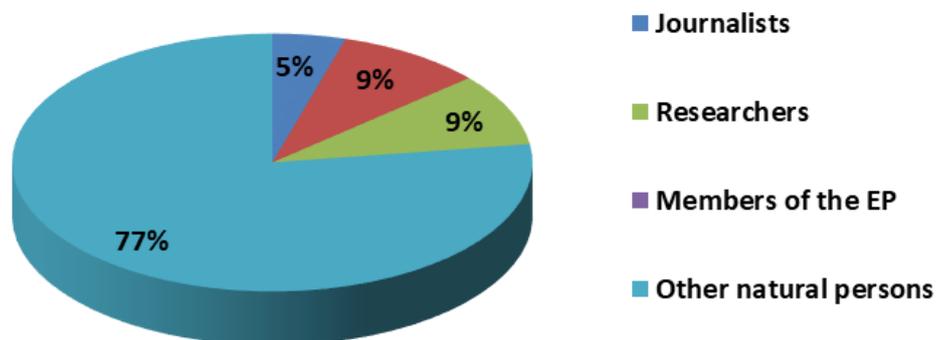


Initial applications for public access to documents to the European Ombudsman for the year 2019

Requests for public access to documents per type

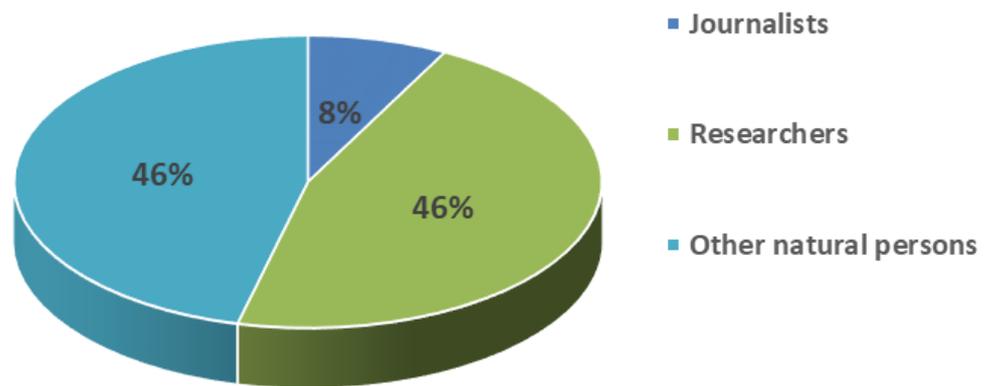


Type of applicants for public access to complaint related documents requests





Type of applicants for public access to non-complaint related documents requests



Reasons for denying access to some of the complaint related documents

