

Reply by the Secretariat General to the European Ombudsman's proposal for a solution in the case concerning how the former dealt with a request for public access to documents related to a project funded in partnership with UNICEF

- Complaint reference 3036/2025/KW

I. BACKGROUND

On 26 June 2025, the complainant requested public access to 'all documents related to the project funded by the Technical Support Instrument (TSI), in partnership with the Child Protection Section of UNICEF¹'s Office for Europe and Central Asia, which will develop an evidence-based, best practice framework and roadmap to make sure that the child's best interests are the paramount consideration at all stages of the adoption process'².

The application mentioned that 'the project is part of a wider European initiative in which Ireland, Croatia, the Czech Republic and Portugal will strengthen child protection systems and uphold children's rights across the region' and requested 'all data related to the wider European initiative'.

On 7 August 2025, the European Commission (hereafter 'the Commission') replied to the complainant's request³, informing him that two documents in its possession fell within the scope of the request.

Following an assessment of the documents under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents⁴ (hereinafter 'Regulation (EC) No 1049/2001'), the Commission granted the complainant partial access to one document and refused the disclosure of other.

As explained in the Commission's reply, the protection of the documents against public disclosure was based on the need to protect:

- the public interest as regards international relations as well as the financial, monetary or economic policy of the Union or a Member State, on the basis of the third and fourth indents of Article (4)(1)(a) of Regulation (EC) No 1049/2001;
- the decision-making process of the Commission, on the basis of the first subparagraph of Article 4(3) of Regulation (EC) No 1049/2001;
- the commercial interests of a legal person, on the basis of the first indent of Article 4(2) of Regulation (EC) No 1049/2001;
- the privacy and the integrity of the individual, in particular in accordance with Union legislation regarding the protection of personal data, on the basis of Article (4)(1)(b) of Regulation (EC) No 1049/2001.

On 8 August 2025, the complainant made a confirmatory application, requesting the Commission to reconsider its position.

¹ United Nations Children's Fund (UNICEF).

² The request was registered with reference EASE 2025/3343.

³ Reference Ares(2025)6455785.

⁴ OJ L 145, 31.5.2001, p. 43.

On 19 October 2025, the complainant submitted a complaint to the European Ombudsman (hereafter ‘the Ombudsman’) against the Commission’s failure to reply to his confirmatory application within the statutory time limit.

II. THE EUROPEAN OMBUDSMAN’S INQUIRY AND PROPOSAL FOR A SOLUTION

On 14 November 2025, the Ombudsman informed the Commission that it had opened an inquiry following the complaint, urging it to reply to the complainant’s confirmatory application by 5 December 2025.

In the absence of the Commission’s reply to the complainant’s confirmatory application by that date, the Ombudsman requested the inspection of the documents identified as falling within the scope of the complainant’s access request, along with any documentation relating to the consultation of third parties. The Commission transmitted to the Ombudsman the documents identified as falling within the scope of the complainant’s application and the existing correspondence relating to the consultation of UNICEF at initial stage.

In its letter of 7 May 2026, the Ombudsman proposed that the Commission review its position at initial stage regarding the two documents requested, with a view to granting the widest possible access thereto. The Ombudsman considered that several redacted sections in the document partially disclosed as well as parts of the document fully withheld contain information that is already public, including details on national legislation, statistics, and the organisations involved in child adoption.

The Ombudsman noted that certain redactions in the document partially disclosed concern the project’s estimated total cost, the EU contribution, eligibility conditions for costs, and the beneficiary’s duty to publish grant information. In the Ombudsman’s view, it is not clear how disclosing these parts would reveal sensitive information about Member States or harm the public interest in international relations.

More broadly, the Ombudsman indicated that the withheld content in both documents does not appear to contain information whose disclosure would undermine international relations or the EU’s or a Member State’s financial, monetary, or economic policy. Finally, the proposal notes that the mere existence of an ongoing decision-making process is not enough on its own to show that disclosure would seriously undermine that process.

III. THE REPLY OF THE EUROPEAN COMMISSION TO THE PROPOSAL FOR A SOLUTION OF THE EUROPEAN OMBUDSMAN

The Commission’s confirmatory decision C(2026)4875 of 7 July 2026, of which the Ombudsman has received a copy, grants the widest possible public access to the two documents requested, namely:

- to the contribution agreement signed with UNICEF, with certain parts withheld on the basis of the exceptions set out in Article 4(1)(b) (protection of privacy and the integrity of the individual) and in the first indent (protection of commercial interests of a natural or legal person) of Article 4(2) of Regulation (EC) No 1049/2001;

- to the report for Portugal, with the personal data redacted therein, on the basis of the exception set out in Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation (EC) No 1049/2001.

As outlined in the confirmatory decision, the partial protection against public disclosure is based on the need to withhold certain personal data and the bank account of the beneficiary. Public access has been granted to all the other parts, which ensures the widest possible disclosure of the documents' content.

IV. CONCLUSION

The Commission has conducted a complete review of its position at the initial stage, by granting the complainant the widest possible access to the documents requested. While the Commission regrets the delay in the handling of the complainant's confirmatory request, it considers that the wide access granted to the two documents at issue in the confirmatory decision of 7 July 2026 constitutes an appropriate response to the Ombudsman's proposal of 7 May 2026.