

Annual report 2021 on access to documents requests under Regulation 1049/2001

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'](#), 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).

According to the EU legislation on public access to documents¹ (Regulation 1049/2001), 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 in 2021 of Regulation 1049/2001 according to its Article 17(1).

II. The procedure

The Ombudsman adheres to the principle of openness and proactively publishes core business documents on the [online cases](#) section of our website, as well as all documents adopted in relation to [strategy](#), [policy](#) and [management](#). This is done on the basis of the Ombudsman's [Decision on Records Management](#) and [document filing plan](#).

In addition to proactive disclosure, the Ombudsman provides access to documents upon request. The Transparency Officers (TOs) (two staff members combining this role with their main responsibilities) deal with initial applications for public access. Staff members from the Process & documents management team provide assistance to process the initial applications.

¹ 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>



More information on how to make a request for public access to documents of the Ombudsman is available on [our website](#).

III. Figures and findings

In 2021, the Ombudsman received 18 requests for public access to documents. This constituted a decrease from previous years (18% decrease from 2020 (22 requests) and 51% from 2019 (37 requests). 14 requests concerned complaint-related documents and four requests concerned institutional and procedural matters. 39% of the applicants were women and 61% were men. The applicants were based in the Netherlands (3 requests), Belgium (1 request), Greece (1 request), Bulgaria (1 request), Sweden (1 request), Germany (3 requests), Ireland (2 requests), Croatia (1 request) and in non-EU countries (3 requests). In two cases the place of residence was not indicated.

Full access was granted in three complaint related requests. Wide partial access was granted in the remaining nine 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 2018/1725². Specifically, the names and direct contact details of administrative staff members and third parties were redacted.

One request concerned documents related to the review of a decision, which was not yet finalised at the time of the request. Access was thus denied in order to protect the Ombudsman's decision-making process in accordance with Article 4(3) first subparagraph of Regulation 1049/2001. In one case, the complainant had asked for the confidential handling of their complaint. Thus, access was denied in order to protect the purpose of inspections, investigations and audits under Article 4(2) third indent of Regulation 1049/2001.

Full access was granted in two non-complaint related requests and we did not hold any documents concerning the remaining two requests³.

During the period, there was one request for review, following the decision that we did not hold any documents falling within the scope of the request. Following the applicant's clarifications at the confirmatory stage, we identified one document, which was then disclosed. There were no other requests for review during this period.

We disclosed a total of 514 pages.

IV. Cooperation with other EU bodies and third parties

² 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>

³ In one case, the requested document was automatically deleted following the relevant retention period (three months).

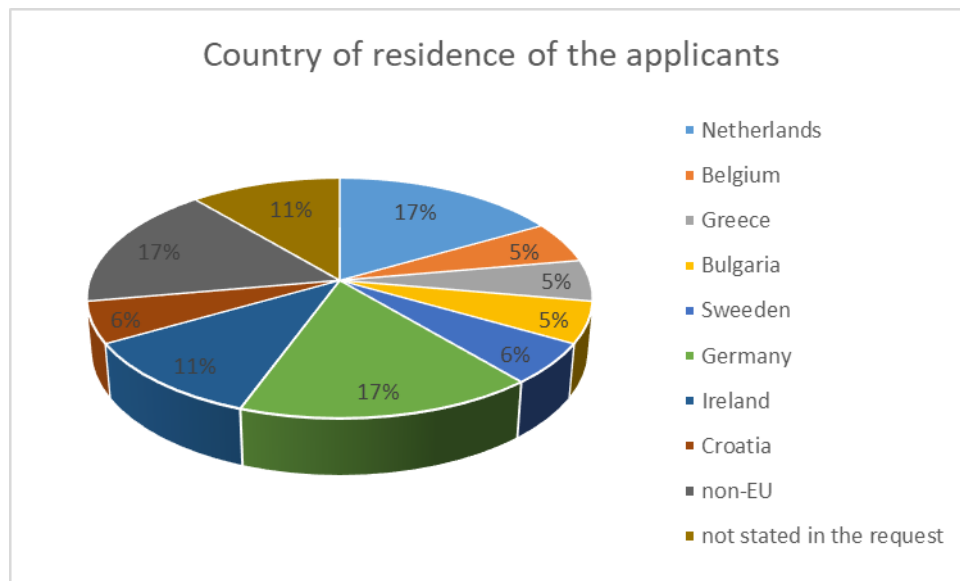


A request for public access to documents may concern documents originating from third parties (other EU bodies, natural or legal persons). In such cases, and unless it is apparent that the documents falling within the scope of the request should or should not be disclosed, the EU body concerned may consult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

In 2021, one EU body consulted the Ombudsman on the possible disclosure of documents originating from us.

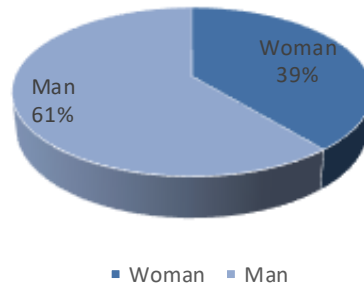
17/06/2022

Annex: Charts and Statistics

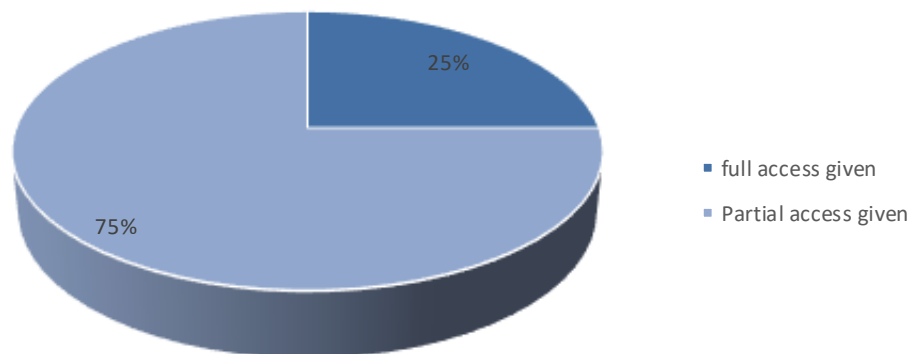




Gender of applicants

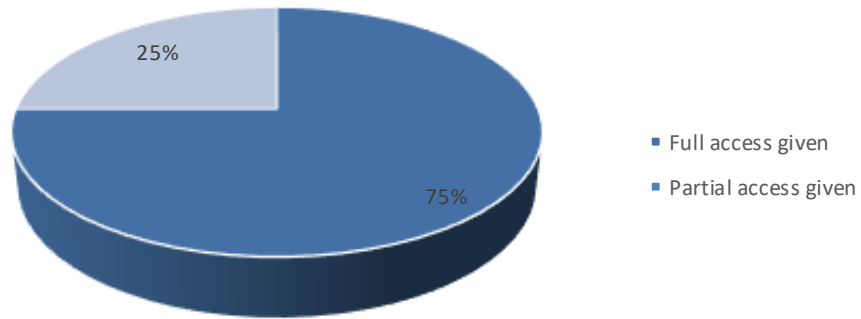


Type of access granted to complaint related third parties requests





Outcome of non-complaint related requests for documents



Reasons for denying access to some of the complaint related documents

