

To the attention of:

Ms Izuzquiza

Open Knowledge Foundation Deutschland e.V.

Singerstr. 109

10179 Berlin

Germany

Vienna, 29/10/2021

Ref: RMOutgoing-2021-1318

**Subject: Your application for access to documents pursuant to Regulation No. 1049/2001 – Ref: RMIncoming-2021-443**

Dear Ms Izuzquiza,

We refer to your application in which you make a request for public access to documents, registered on **17 September 2021**, under the above reference number.

In your application, you request access to the following:

*For all of the meetings of the Justice and Home Affairs (JHA) agencies' network held in 2021 to date:*

- 1. All agendas of these meetings;*
- 2. A list of all attendees, including the name and Unite of the agency each attendee represents;*
- 3. All presentations by any of the agencies' representatives shown during the course of these events;*
- 4. All documents prepared by the agencies for the purpose of these meetings and handed out or distributed among the attendees (such as – but not limited to – handouts, leaflets, briefings or background notes);*
- 5. All reports, summaries, minutes, notes, or record-keeping of any kind produced by the FRA or any other agency as an outcome of these meetings;*
- 6. All correspondence - issued and/or received both before and after the meeting - related to, mentioning, or regarding the meetings.*

Having carefully analysed your application, FRA established that it concerns the following documents:

- 1. email FW: Draft agenda of on-line seminar "Understanding the influence of climate change on Justice and Home Affairs"*
  - 1a. attachment to email 1*



2. *email Frontex Seminar on environmental crime - final agenda and request for nomination of participants*
  - 2a. *attachment to email 2*
3. *email Joint paper on environmental crime - kind invitation to review and contribute by 23 July*
  - 3a. *attachment to email 3*
4. *email Seminar on Environmental Crime - 1 June 2021 - Survey and sharing of presentations*
  - 4a. *attachment to email 4 (includes documents 4a1-4a4 and 4a6-4a17)*
5. *email Joint paper on environmental crime - Final review by 22 September*
  - 5a. *attachment to email 5*
6. *email FW: First JHAAN meeting, 26 March*
  - 6a. *attachment to email 6*
  - 6b. *attachment to email 6*
7. *email First JHAAN meeting - supporting documents*
  - 7a. *attachment to email 7*
  - 7b. *attachment to email 7*
  - 7c. *attachment to email 7*
8. *Internal email Mission report JHAAN meeting 26 March 2021-XY.*
  - 8a. *attachment to email 8*
9. *email RE: [EXTERNAL] Re: @EXT: RE: First JHAAN meeting - supporting documents*
  - 9a. *attachment to email 9*
  - 9b. *attachment to email 9*
10. *email RE: First JHAAN meeting - supporting documents*
  - 10a. *attachment to email 10*
11. *email RE: follow up to last weeks JHAAN CP meeting*
12. *FINAL\_Concept note for COFE JHAAN\_FRA*
13. *email RE: Supporting documents - 3rd JHAAN meeting*
14. *email SAVE THE DATE: 2nd JHAAN meeting, 21 June*
  - 14a. *attachment to email 14*
  - 14b. *attachment to email 14*
  - 14c. *attachment to email 14*
15. *email Second JHAAN meeting, 21 June - updated final agenda*
  - 15a. *attachment to email 15*
16. *email Second JHAAN meeting, 21 June - eu-LISA and EUAN presentations*
  - 16a. *attachment to email 16*
  - 16b. *attachment to email 16*
  - 16c. *attachment to email 16*
  - 16d. *attachment to email 16*
  - 16e. *attachment to email 16*
  - 16f. *attachment to email 16*
17. *email Second JHAAN meeting, 21 June - follow up*
  - 17a. *attachment to email 17 (same as document 16a above)*
  - 17b. *attachment to email 17 (same as document 16b above)*
  - 17c. *attachment to email 17*
  - 17d. *attachment to email 17*



- 17e. attachment to email 17
- 17f. attachment to email 17
- 17g. attachment to email 17
- 17h. attachment to email 17 (same as document 16c above)
- 17i. attachment to email 17
- 17j. attachment to email 17 (same as document 16f above)
- 17k. attachment to email 17
- 17l. attachment to email 17
- 17m. attachment to email 17
- 17n. attachment to email 17
- 17o. attachment to email 17
- 17p. attachment to email 17
- 17q. attachment to email 17 (same as document 16d above)
- 17r. attachment to email 17 (same as document 16e above)
- 18. email Second JHAAN meeting, 21 June - supporting documents
  - 18a. attachment to email 18
  - 18b. attachment to email 18
  - 18c. attachment to email 18
  - 18d. attachment to email 18
- 19. email mission report online 2nd meeting JHAAN 21 June 2021 XY
  - 19a. attachment to email 19
- 20. achievements in multilateral coordination JHAAN\_FRA comments
- 21. email Invitation Speed-dating with DG ENV – JHAAN
- 22. email Speed-dating event with DG ENVIRONMENT - 30/04/2021 - guidelines and agenda
  - 22a. attachment to email 22
  - 22b. attachment to email 22
- 23. email FW: Follow-up to the speed-dating event with DG ENVIRONMENT
  - 23a. attachment to email 23
  - 23b. attachment to email 23
  - 23c. attachment to email 23
  - 23d. attachment to email 23
  - 23e. attachment to email 23
  - 23f. attachment to email 23
  - 23g. attachment to email 23
- 24. email agenda of the ad hoc meeting of the CP, September 8 2021
  - 24a. attachment to email 24
- 25. email Frontex documents - ad hoc meeting of the CP, September 8 2021
  - 25a. attachment to email 25
  - 25b. attachment to email 25
  - 25c. attachment to email 25
- 26. email Mission report JHAAN ad hoc meeting
- 27. email Frontex documents - ad hoc meeting of the CP, September 8 2021 (same as document 25 above)
  - 27a. attachment to email 27 (same as document 25a above)
  - 27b. attachment to email 27 (same as document 25b above)
  - 27c. attachment to email 27 (same as document 25c above)
- 28. email RE: Supporting documents - 3rd JHAAN meeting





- 28a. attachment to email 28
- 29. email draft index of analytical products - ad hoc meeting
  - 29a. attachment to email 29
- 30. Internal email Mission report JHAAN ad hoc meeting
- 31. email RE: agenda of the ad hoc meeting of the CP, September 8 2021
  - 31a. attachment to email 31
- 32. email revision of tools and products - written comments (deadline 17.09.2021)
  - 32a. attachment to email 32
  - 32b. attachment to email 32
  - 32c. attachment to email 32
  - 32d. attachment to email 32
  - 32e. attachment to email 32
- 33. email Save the Date - Meeting EU Agencies on THB victims - 9 June 2021
  - 33a. attachment to email 33
- 34. email Meeting EU Agencies on THB victims - JHAAN - 9 June 2021 from 14:00 - 17:00
  - 34a. [Joint report of the JHA agencies' network on the identification and protection of victims of human trafficking \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/press-summaries/p166666.pdf)
- 35. 2021.09.08-JHAAN report on victims of human trafficking (002) Input FRA
- 36. email JHA Agencies activities to respect, observe and promote Charter rights - request for input by 10 September
  - 36a. attachment to email 36
- 37. 100921- CEPOL input JHAA activities to respect observe and promote Charter rights - 2021
- 38. Europol-JHAA activities to respect observe and promote Charter
- 39. JHAA activities to respect, observe and promote Charter rights-2021\_Frontex
- 40. JHAA activities to respect observe and promote Charter rights - 2021\_EJ
- 41. Email JHA Agencies activities to respect, observe and promote Charter rights - request for input by 10 September
- 42. FRA JHAA activities to respect observe and promote Charter rights – 2021
- 43. JHAA activities to respect observe and promote Charter rights\_2021\_EASO
- 44. JHAA activities to respect observe and promote Charter rights-2021\_EIGE updated
- 45. euLISA\_JHAA activities to respect observe and promote Charter rights – 2021
- 46. email Final agenda - 3rd JHAAN meeting - 24 September
  - 46a. attachment to email 46
- 47. email Supporting documents - 3rd JHAAN meeting
  - 47a. email attached to email n.47
  - 47b. attachment to 47a
  - 47c. attachment to email 47
  - 47d. attachment to email 47
- 48. Internal email FW: How to achieve carbon neutral administration in JHA Agencies by 2030 - October 6th 2021
- 49. email JHA ICT meeting
- 50. email JHA ICT meeting
- 51. email JHA ICT meeting
- 52. email JHAAN public access to documents working group - question on a future status - DDL 03 September
- 53. RE: [EXTERNAL] RE: How to achieve carbon neutral administration in JHA Agencies



by 2030 - October 6th 2021

54. RE: [EXTERNAL] RE: JHAAN public access to documents working group - question on a future status - DDL 03 September

55. Internal email RE: How to achieve carbon neutral administration in JHA Agencies by 2030 - October 6th 2021

56. email RE: How to achieve carbon neutral administration in JHA Agencies by 2030 - October 6th 2021

After a thorough examination of your application for access to documents pursuant to Regulation No. 1049/2001, FRA has reached the following conclusions:

## **I. Full disclosure**

Concerning **documents 4a4, 4a7, 4a17, 10a, 14b, 14c, 16b, 16e, 17o, 18d, 22b, 31a, and 33a**, our examination concluded that they can be disclosed. You can find them attached. **Document 34a** is already in the public domain in its final version, you can find it at the above indicated link.

## **II. Partial disclosure**

### **A. Pursuant to Article 4(1)(b) (protection of the privacy and the integrity of the individual)**

Concerning **documents 1, 1a, 2, 2a, 3, 4, 4a1, 4a2, 4a3, 4a6, 4a8, 4a9, 4a10, 4a11, 4a12, 4a13, 4a14, 4a16, 5, 6, 6a, 6b, 7, 9, 10, 11, 13, 14, 15, 15a, 16, 16a, 16c, 16d, 16f, 17, 17l, 17p, 18, 21, 22, 22a, 24, 24a, 25, 28, 29, 31, 32, 33, 34, 36, 46, 46a, 47, 47a, 48, 49, 50, 51, 52, 53, 54, 55, and 56**, our examination concluded that they can be partially disclosed. You can find them attached in their expunged version.

Following a thorough examination of these documents, some parts need to be blanked out due to the exceptions set out in Article 4(1)(b) (protection of the privacy and the integrity of the individual):

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/ 2001, partial access to the documents requested can be granted. The expunged parts cannot be disclosed as they would undermine the protection of privacy and the integrity of the individual, in particular in accordance with legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 2018/ 1725 of the European Parliament and of the Council 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.

When access is requested to documents containing personal data, Regulation (EC) No 2018 / 1725 becomes fully applicable. According to Article 9(1)(b) of this Regulation, personal data shall only be transferred to recipients if they establish "( ...) that it is necessary to have the data transmitted for a specific purpose in the public interest and



the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests. "

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

If you wish to receive these personal data, we invite you to provide us with arguments showing the necessity for having these personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

#### **B. Pursuant to Article 4(1)(a) (public interest as regards public security)**

Concerning **documents 4a8, 4a15, and 4a16** some parts have also been expunged following the exception laid down in Article 4(1)(a) as their disclosure would undermine the public interest as regards public security, since they include pictures of restricted areas and/or sensitive information. You can find the documents attached in its expunged version.

#### **C. Pursuant to Article 4(3)(2) (opinions for internal use as part of deliberations and preliminary consultations)**

Concerning **documents 9, 9b, 10, 17p, 49, and 50** some parts have also been expunged following the exception laid down in Article 4(3)(2) of the Regulation.

Disclosure of these parts of documents would undermine the protection of the decision-making process of the agency, as they contain opinions for internal use and are part of deliberations and preliminary consultations. The FRA must be free to explore all possible options in preparation of a decision free from external pressure. The second subparagraph of the said Article 4(3) provides that, after a decision has been taken, the exception at issue covers only documents containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned. Therefore, the exception laid down in Article 4(3)(2) of Regulation (EC) No 1049 / 2001 applies to this document. After a careful assessment, FRA does not see any overriding public interest to release this document.

### **III. Non disclosure**

Having carefully examined the documents requested under the provisions of Regulation (EC) No 1049/ 2001 regarding public access to documents, FRA regrets to inform you that disclosure of the above-mentioned documents is prevented by exceptions laid down in the Regulation.



Concerning **documents 3a, 5a, 7a, 7b, 7c, 8, 8a, 9a, 12, 14a, 18a, 18b, 18c, 19, 19a, 20, 23, 23a, 23b, 23c, 23d, 23e, 23f, 23g, 25a, 25b, 25c, 26, 28a, 30, 32a, 32b, 32c, 32d, 32e, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47b, 47c, and 47d**, the disclosure is prevented by the exception laid down in Article 4(3)(2) of the Regulation.

Disclosure of these documents would undermine the protection of the decision-making process of the agency, as the documents contain opinions for internal use and are part of deliberations and preliminary consultations. The FRA must be free to explore all possible options in preparation of a decision free from external pressure. The second subparagraph of the said Article 4(3) provides that, after a decision has been taken, the exception at issue covers only documents containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned. Therefore, the exception laid down in Article 4(3)(2) of Regulation (EC) No 1049 / 2001 applies to these documents. After a careful assessment, FRA does not see any overriding public interest to release this document.

However, the content of these draft documents is reflected in the disclosed final documents.

Finally, concerning **documents 17c, 17d, 17e, 17f, 17g, 17i, 17k, 17m, 17n, 29a, and 36a**, these are currently under consultation, and the Agency is closely working with the parties involved. As soon we address this consultation you will receive a follow up response.

Due to the large size of the disclosed documents, we cannot attach them in an email. You can download them from this location:

<https://fileshare.fra.europa.eu/owncloud/index.php/s/y7UuNghuKgrrct34>

## Redress mechanism

In case you would disagree with the assessment, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the FRA to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this email to FRA: [documents@fra.europa.eu](mailto:documents@fra.europa.eu)

Yours faithfully,



Constantinos Manolopoulos

Head of Corporate Services Unit

