

To the attention of:

Ms Izuzquiza

Open Knowledge Foundation Deutschland e.V.

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Germany

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Vienna, 18/11/2021

Ref: RMOutgoing-2021-1460

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

Dear Ms Izuzquiza,

Further to the communication of **29 October 2021** (Ref: RMOutgoing-2021-1318), where we had provided an initial reply to your application for public access to documents (registered on **17 September 2021** under the above reference number), please find below a follow up response concerning the remaining documents which were under consultation.

Namely, the following documents were under consultation:

- *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*
- *17i. attachment to email 17*
- *17k. attachment to email 17*
- *17m. attachment to email 17*
- *17n. attachment to email 17*
- *29a. attachment to email 29*
- *36a. attachment to email 36*

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



I. Full disclosure

Documents 17c, 17d, 17e, 17f, 17g, 17i, 17k, 17m, 17n, and 36a, can be fully disclosed. You can find them attached.

II. Non disclosure

Concerning **document 29a**, the outcome of our examination is that the disclosure is prevented by the exception laid down in Article 4(3)(2) of the Regulation.

Disclosure of this document would undermine the protection of the decision-making process of the agency, as the document contains opinions and elements for internal use and is 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.

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

Yours faithfully,



Constantinos Manolopoulos

Head of Corporate Services Unit

