

Mr/Ms [REDACTED]

Email: [REDACTED]

Our ref: TO/PAD-2021-00278
Please quote when replying.

Warsaw, 13 January 2022

Your application for access to European Border and Coast Guard Agency (Frontex) documents

Dear Mr/Ms [REDACTED]

In reference to your application registered on 8 December 2021, asking for access to

Dokumenten, die folgende Informationen enthalten

- 1. Die auf den die "Thematischen Industrietagen Airborne Maritime Surveillance Solutions" am 26. und 27. Januar 2021 gehaltenen, verteilten oder per Link zum Download geteilten Präsentationen der dort eingeladenen Teilnehmer.*
- 2. Außerdem alle Präsentationen von Frontex, die im Verlauf dieser Veranstaltung gezeigt oder geteilt wurden.*
- 3. Ich beantrage außerdem eine Liste aller Teilnehmer, einschließlich des Namens des Unternehmens, der Gruppe oder der Organisation, die jeder Teilnehmer vertritt*
- 4. Schließlich bitte ich um Aufzeichnungen jeglicher Art, die von Frontex als Ergebnis dieser Veranstaltung angefertigt wurden.*

Thus

- 1. The presentations of the participants invited to the "Thematic Industry Days Airborne Maritime Surveillance Solutions" on 26 and 27 January 2021 delivered, distributed or shared via download link.*
- 2. In addition, all Frontex presentations shown or shared during this event.*
- 3. I also request a list of all participants, including the name of the company, group or organisation each participant represents.*
- 4. Finally, I request records of any kind made by Frontex as a result of this event.*

whose point 4 was further clarified by you:

neben den Präsentationen der Teilnehmer und von Frontex sowie der Teilnehmerliste bitte ich außerdem, sofern vorhanden, um Textdokumente, die Frontex nach im Nachgang der Veranstaltung angefertigt und an die Teilnehmenden versandt hat.

Thus

In addition to the presentations of the participants and Frontex as well as the list of participants, I would also like to receive, if available, text documents that Frontex produced after the event and sent to the participants.

Please find attached nine documents identified under **points 1** (seven documents), **2** (one document) and **3** (one document) of your application. The redactions pertain to:

- personal data, such as names of individuals and/or characteristic features which could lead to the identification of individuals. The disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001.¹
- information whose disclosure would undermine the protection of commercial interests of legal persons, including intellectual property. In particular, these documents contain technical and economic information of the tenderers, in particular information on the competences and working methods, their know-how, internal organization, cost as well as proposed prices. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of these documents is ascertainable in the present case, these documents cannot be released based on 4(2) first indent of Regulation (EC) No 1049/2001.

Access to three further documents identified in regard to **point 1** of your application has to be refused as they contain personal data and information, whose disclosure would undermine commercial interest of legal persons as explained above. A partial release of these documents could not be undertaken as their redaction would be disproportionate in relation to the parts that are eligible for disclosure, simultaneously undermining the principle of sound administration. More specifically, the administrative burden necessary to identify and redact the releasable elements would be disproportionate to the interest in the disclosure exercise itself, while the released documents would not convey any informative value due to their significantly reduced form. Consequently, a partial disclosure of the documents at issue must be refused owing to the particular circumstances of the present case.

Please be informed that Frontex does not hold documents under **point 4** of your application.

Kindly be reminded that the copyright of the document/s rests with Frontex and making this/these work/s, available to third parties in this or another form without prior authorisation of Frontex is prohibited. Please also note that Frontex does not assume liability stemming from the use of the document/s.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, within 15 working days of the receipt of this letter, you may submit a confirmatory application to Frontex to reconsider its position. Based on Article 8 of Regulation (EC) No 1049/2001, Frontex will reply to you within 15 working days from the registration of such application. You can submit your confirmatory application by post or electronically.

Yours sincerely,

[Decision signed electronically]
Case Handler of the Transparency Office

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).