

To the attention of:

Ms Izuzquiza

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Vienna, 21/05/2021

Ref: RMOngoing-2021-598

Subject: Your application for access to documents pursuant to Regulation No. 1049/2001 – Ref: RMIncoming-2021-125

Dear Ms Bachiller Lopez,

We refer to your application in which you make a request for public access to documents, registered on **07 April 2021**, under the above reference number.

In your application, you request access to the following:

With regards to the involvement of the FRA in the development and implementation of the Joint Pilot for the establishment of a new Multi-Purpose Reception and Identification Centre in Lesbos [1]:

1. All studies, reports, evaluations, and assessments of any kind conducted by the FRA for the development and construction of the new MPRIC, i.e.: for the "Design and planning services for the new MPRIC and technical teams to support creation according to EU standards and EU best practice model (architects, etc.), including based on lessons learned via the previous Safety and Security Working Group (SSWG)"

2. All documentation (including - but not limited to - reports, notes from field visits, legal basis, legal analysis or guidelines) used by the FRA in order or as a basis to produce the aforementioned studies.

3. All documents regarding the "Design of a dedicated facility (Safe Zone) for Unaccompanied Minors". This may include - but not limited to - any reports, evaluations, guidelines, recommendations, and any draft produced to date for this purpose.

4. All documents regarding, proposing or approving the procedure for the



appointment of a UAM focal point(s) "that would be in charge of all UAM-related actions" at the new MPRIC.

5. For any and all meetings held or attended by the FRA to discuss or regarding the Greek MPRIC::

- all agendas for each of these meetings;*
- any record of the aforementioned meetings. This may include, but not necessarily limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc, that would provide a record of the proceedings of the meetings; and*
- all documents prepared or received by the FRA for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to – handouts, leaflets, briefings or background notes).*

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

1. *Aide-Memoire*
2. *joint EASO and FRA Feedback on the updated proposed masterplans for the RICs of Lesbos and Chios*
3. [Initial-reception facilities at external borders: fundamental rights issues to consider](#)
4. *Mission report from Lesbos (December 2020),*
5. *Regular note on FRAs work in Greece (February – March 2021),*
6. *mission report Chios (February 2021),*
7. [Initial-reception facilities at external borders: fundamental rights issues to consider.](#)
8. *The agenda of Director's visit to Greece (April 2021), December 2020 mission report from Lesbos.*
9. *Email shared with COM after visit to Lesbos in December 2020 and mission report from Lesbos (December 2020)*
10. *Internal email Follow up to yesterday's meeting with [expunged name] for your follow up advise and approval*
11. *Internal email FOR YOUR KIND APPROVAL FW INVITATION 18 03 2021 15 00-16 30 Virtual From EU 'Hotspots' to 'Multi-Purpose Reception and Identification Centres'*
 - 11a. *attachment: concept note*
12. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-initial-reception-facilities-external-borders_en.pdf
13. *email FW Ares - Document Letter to the Greek authorities Workshop on the design of the new MPRICs - Ares(2021)1374596*
 - 13a. *email attached to email n.13*
 - 13b. *attachment to 13a*
 - 13c. *attachment to 13a*
 - 13d. *attachment to 13a*



- 13e. attachment to 13a
- 14. email FW Task Force mission report 22 - 28 March
 - 14a. attachment to email 14
- 15. Internal email FW The 130th Evaluation Committee - MPRICs Lesvos Chios
- 16. email FW Urgent EU-funded new reception and identification centres on the Greek islands
- 18. Internal email Mission report _Five Years of EU Refugee Response on the Greek islands _18 March 2021
- 19. email RE CONFIDENTIAL - draft Memorandum of Understanding Joint Pilot Lesbos - for consultation
- 20. Internal email RE FOR YOUR APPROVAL Task Force Migration Management - Memorandum of Understanding social media post
- 23. Email Re Migration Management Steering Committee of the Lesvos Task Force
- 24. Email RE Task Force Migration Management - Memorandum of Understanding Multi-Purpose Reception and Identification Centre on Lesbos
- 25. Email Re Task Force Migration Management - Memorandum of Understanding
- 27. Internal email Draft reply to COM as requested.msg
- 28. Email RE CONFIDENTIAL - draft Memorandum of Understanding Joint Pilot Lesbos - for consultation
- 29. Internal email Briefing on the situation on the ground covering 24 9-9 10
 - 29a. attachment to 29
- 30. Internal email Briefing situation on the ground 10-24 October 2020 (002) docx
 - 30a. attachment to 30
- 31. email Data for a report on migration for the period between 01 10-31 12 2020 RMIncoming-2021-000009
- 32. Internal email Draft reply to COM as requested.msg
- 33. Internal email February European Parliament Plenary THB asylum and social media freedom
- 34. internal email FOR APPROVAL Draft short summary of your intervention at the Article 17 dialogue meeting
- 35. [Final Report on the JHA agencies network activities 2020 \(europa.eu\)](#)
 - 35a. SORECARD_COSI_FINAL
- 36. [jhaan joint paper update december 2020 final.pdf \(europa.eu\)](#)
- 37. email FW Ares - Document Letter to the Greek authorities Workshop on the design of the new MPRICs - Ares(2021)1374596
- 38. Internal email FW CF letter & annex.msg
- 39. Internal email FW Draft PD 2022_2024.msg
- 42. Internal email Fwd Detailed comments
- 44. email INVITATION 19 11 2020 Athens Conference for children in migration
- 47. Internal email Mission report_Meeting of the European Migration Network (EMN) National Contact Points 25 and 26 2 2021
- 50. Internal email RE points for LIBE Lopez Aguillar
- 51. email RE Ares(2020)275890 - Request for analysis on the fundamental rights in the application of the Schengen acquis ...
- 52. Internal email Summary of the European Parliament's Article 17 dialogue meeting 26 January 2021.msg
- 53. Internal email YOUR KIND APPROVAL FRA input for the Schengen risk analysis
- 54. Email RE FRA input EASO Feedback updated Masterplans Lesbos and



55. Email RE Comments on designs

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 1, 13c, 13e, 29a, and 30a**, our examination concluded that they can be disclosed. You can find them attached. **Documents 3, 7, 12, 20, 35 and 36** are already in the public domain, you can find them at the above indicated links or attached.

II. Partial disclosure

Concerning **documents 5, 8, 11, 13, 13a, 13b, 14, 29, 30, 33, 37, and 52**, 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



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.

Concerning **document 14a**, some parts have been expunged following the exception laid down in Article 4(1)(a) as their disclosure would undermine the public interest and financial policy of a Member State. You can find the document attached in its expunged version.

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 2, 4, 6, 9, 10, 11a, 16, 18, 19, 23, 24, 25, 27, 28, 32, 34, 38, 39, 42, 47, 50, 51, 53, and 55**, 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 this document. 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.

Concerning **documents 15 and 54**, disclosure is prevented by the exception laid down in Article 4(2)(1) as it would undermine the protection of commercial interests of a legal person.

Concerning **document 13d**, disclosure is prevented by the exception laid down in Article 4(1)(a) as the disclosure would undermine the European Union's Institutions financial policy.

Concerning **documents 31 and 44**, the disclosure is prevented by the exception laid down in



Article 4(5) which requires the Member States agreement.

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

Signature 

