

To the attention of:

Ms Izuzquiza

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Vienna, 25/08/2021

Ref: RMOutgoing-2021-1034

**Subject: Your application for access to documents pursuant to Regulation No. 1049/2001 – Ref: RMIncoming-2021-285**

Dear Ms Izuzquiza,

We refer to your application in which you make a request for public access to documents, registered on **14 July 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 2020:*

- 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.*

*I am also requesting all documents held by the FRA with regards to any and all cooperation around public access to documents and Regulation 1049/2001 within the JHA agencies' network. This includes, but is not limited to:*

- 1. All correspondence - including e-mails, messages, notes and letters, as well as all attachments - issued or received by the FRA mentioning, discussing or with regards to public access to documents and/or Regulation 1049/2001 in the framework of the JHA agencies' network;*
- 2. All reports, notes, briefings, presentations, papers and documents of any kind regarding, mentioning or relating to public access to documents or Regulation 1049/2001 which have been produced or exchanged in the framework of the JHA agencies' network;*
- 3. For any meeting - in*



*addition to the meetings mentioned in the first half of my request - held with regards, mentioning or relating to public access to documents or Regulation 1049/2001 in the framework of the JHA agencies' network:*

- a) all agendas of these meetings;*
- b) a list of all attendees, including the name and Unit of the agency each attendee represents;*
- c) all presentations by any of the agencies' representatives shown during the course of these events;*
- d) 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);*
- e) 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.*

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

- (1) Draft Agenda 1st JHAAN meeting March 2020*
- (2) Agenda\_JHAAN\_VC\_meeting\_17.6.2020*
- (3) JHAAN - COVID 19 & inter-agency cooperation (final)*
- (4) JHAAN\_VCmeeting\_17.6.2020\_Action\_points*
- (5) JHA Agencies Network VC Meeting - 17 June 2020*
- (6) State of Play - Mapping exercise on activities JHA agencies & COVID 19 pandemic - Preparations for tomorrow*
- (7) COVID19\_Compilation -JHA Agencies\_ last update 08.07.2020*
- (8) [2020-07-14 JHAAN-Joint-Paper.pdf \(europa.eu\)](#)*
- (9) Agenda\_JHAAN\_VC\_meeting\_23-24.9.2020*
- (10) JHA Agencies Network VC Meeting - 23 September 2020*
- (11) JHA Agencies Network VC Meeting - 24 September 2020*
- (12) FRA tour the table*
- (13) [Joint Statement on the Charter of Fundamental Rights](#)*
- (14) JHA Agencies Network Meeting 23-24 September - Draft agenda\_documents*
- (14d) Calendar JHAAN 2020*
- (14e) Joint\_statement\_-\_10th\_Anniversary\_EU\_Statement\_Fundamental\_Rights*
- (15) JHA Agencies Network Meeting 23-24 September - PPP SSO - Session II (23\_09\_20 PM)*
- (15a) HoAgencies Agenda - 8 10 2020*
- (15b) EUAN presentation for the JHAAN 23.09.2020*
- (15c) HoResources Agenda - 7 10 2020*
- (15d) Case\_clinics*
- (16) RE\_JHA Agencies Network Meeting 23-24 September - PPP SSO - Session III - example of JHAAN newsletter*
- (16b) Concept newsletter*
- (17) JHA network meeting 23-24 September - where I replaced Sara Sharing some selected points fyi + for Sara for action*
- (18) Note - Preparations Annual Meeting 20 Nov 2020 outcome and follow up 23 24 September meeting*
- (19) CONSULTATION - Preparations for the Annual Meeting Heads of JHA*



agencies\_ 20 Nov 20

(20) RE\_ @EXT\_ RE\_ Follow up JHAAN Meeting 23-24 Sept - Preparations for the Annual Meeting\_ the agenda - deadline tomorrow 29\_09 COB

(20a) COSI doc 10726: <https://data.consilium.europa.eu/doc/document/ST-10726-2020-INIT/en/pdf>

(21) JHA Agencies Network Meeting 23-24 September confirmed

(22) Meeting of the contact points JHAAN

(23) Agenda & preparations for tomorrow's meeting 13\_00-14\_00

(24) Outcome & follow up JHAAN meeting 28\_05

(25) VC meeting CPs JHAAN

(26) Preparations VC Meeting CPs JHAAN 03\_07\_20

(27) For info\_ Short Outcome VC Meeting CPs JHAAN 03\_07\_20

(28) CONSULTATION - Preparations for the Annual Meeting Heads of JHA

agencies\_ 20 Nov 20 (1)

(29) Outcome meeting CPs JHAAN 07-10-2020 - outcome + draft agenda for the Heads of JHA meeting 20\_11\_20

(29\_01) Outcome meeting Heads of JHA agencies - 20.11.20

(30) Heads of JHA Agencies Agenda meeting 20 November 2020

(31) Briefing Note - Heads of JHA agencies Annual Meeting 20 Nov 2020 (1)

(32) JHAAN - overview deadline - VC Meeting 16\_10\_2020 (2)

(33) JHA Agencies Network Meeting 23-24 September - supporting doc Assessment JHAAN

(34) RE\_ a question - Friday meeting

(35) RE\_ @EXT\_ RE\_ JHAAN - overview deadline - VC Meeting 16\_10\_2020.msg

(36) My participation in the JHA Agencies network contact points meeting today

(36\_01) Meeting CPs JHAAN - assessment of the network \_16 October

(37) Concept JHAAN Assessment (approved 17.11.20)

(38) Meeting 30\_10 postponed to 06\_11

(39) ad hoc Meeting JHAAN CPs - 06\_11\_2020 - supporting documents

(40) ad hoc Meeting JHAAN CPs - 06\_11\_2020 - supporting documents (part II)

(40\_01) Speech\_soteu\_2020\_en\_

(40\_02) Letter of intent-SOTEU 2020

(40\_03) CP200118EN

(41) Charter exchange JHA agencies\_FIN

(41\_01) [COSI report](#),

(42) Charter exchange\_ email to the network\_JHA Agencies Network Meeting 23-24 September - item Joint Statement Charter FR - req (1)

(42a) attachment to 42

(43) Charter\_Clarification\_item Joint Statement Charter FR - request for input - deadline 18.09.2020 COB (2)

(43\_01) JHA Agencies Network Meeting 23-24 September - Session IV - PPP Charter FR

(43\_01a) JHA\_agencies\_1st Charter exchange

(44) JHA Agencies Network Meeting 24 September - Charter on Fundamental Rights - PPP + Overview for dissemination

(44a) Results

(45) Charter\_2020\_Yearly exchange on the Charter of Fundamental Rights



- (46) JHA agencies\_ 1st annual Charter exchange
- (47) For Information & Dissemination - JHA Agencies Network Meeting 24 September - Charter on Fundamental Rights - PPP + Overview
- (47a) attachment results
- (48) RE\_ JHAAN Work Plan 2020 - Joint Statement Charter FR
- (49) Agenda Heads of JHA Agencies meeting 9 July 2020
- (50) Outcome meeting Heads of JHA Agencies - 9 July 2020
- (51) [2020-07-14\\_JHAAN-Joint-Paper.pdf \(europa.eu\)](#)
- (52) [jhaan joint paper update december 2020 final.pdf \(europa.eu\)](#)
- (53) Mission report-JHA Agencies Heads meeting on the impact of COVID-19 on the work of the Agencies\_ 9 July 2020
- (54) COVID 19\_Documents\_ Informal Heads of JHA Agencies meeting - 09 July 2020 (1)
- (55) COVID 19\_inter-agency cooperation\_list of actions
- (56) UPDATED Joint JHA paper COVID-19 - publication + Council document
- (57) [JHA agencies' network | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](#)
- (58) Informal Heads of JHA Agencies meeting - 09 July 2020
- (59) RE\_ INVITATION\_ 09\_07\_2020\_10\_30-12\_00\_ Virtual Informal meeting of the Heads of JHA Agencies \_RMIncoming-2020-000471\_ 30\_06\_2020\_ (1)
- (59b) D200090
- (60) FORMAL consultation\_ JHAAN - COVID 19 - suggestions for actions - deadline 21 May
- (60a) attachment to 60
- (61) RE\_ joint statement of EIGE and FRA on COVID19 and gender-based violence
- (62) JHAAN-Annual Meeting\_ 20.11.2020\_ List of participants
- (63) Final Agenda Heads of JHA Agencies meeting 20 November 2020
- (64) Meeting\_Invitation\_Heads\_JHA Agencies\_Heads\_Meeting\_20 Novembr 2020
- (65) [EU Justice and Home Affairs agencies put focus on digitalisation | European Union Agency for Fundamental Rights \(europa.eu\)](#)
- (66) Final documents for the Annual Meeting of Heads of JHA agencies 20\_11\_20
- (67) Work Plan JHAA Network 2020 - UPDATE September 2020
- (68) RE\_ For consultation & completion - draft joint BN annual meeting 20\_11\_20 - deadline 12\_11\_20 13\_00.msg
- (69) Reply letter of invitation to the EPPO - for info
- (70) FOR CONTRIBUTION - Follow up JHA meeting 20 Nov - Meeting ICT Heads - deadline 08\_01\_2021
- (70a) Minutes - 9 Nov 2020 - FINAL
- (71) RE\_ CONSULTATION\_ approval JHA Heads annual meeting 20\_11\_20 - draft meeting report - Deadline 06\_01\_2021 (2)
- (72) RE\_ INVITATION\_ 20\_11\_2020\_ Virtual\_ Annual Meeting of the Heads of JHA Agencies - Digitalisation
- (74) 2021-02-15\_JHAAN Scorecard 2020
- (75) Questionnaire on protecting victims of human trafficking (Nov 2020)
- (76) Toolbox\_on\_Migration\_2020\_Final
- (77) Relex Matrix\_2020 Final



- (78) *Index\_of\_Analytical\_Products\_2020 – Final*
- (79) *Foreign\_Fighters\_toolbox\_2020\_Final*
- (80) *@EXT\_ Agenda and discussion papers for the 1st JHSA Agencies Network meeting\_ 26-27 February 2019*
- (80a) *Agenda\_1st\_meeting\_JHA\_Agencies\_Network\_26-27\_February\_2019*
- (80b) *Discussion Papers\_1st\_meeting\_JHA\_Agencies\_Network\_26-27\_February\_2019*
- (81) *@EXT 1st JHA Agencies Network meeting - documents to be shared and follow-up actions*
- (81a) *JHAA\_Network\_1st\_Meeting\_February\_2019\_-\_Meeting\_Notes\_*
- (82) *@EXT RE KIND REMINDER - follow-up actions to the 1st JHA Agencies Network meeting and actions in preparation of the 2nd JHA Agencies Network meeting*
- (82a) *Agenda\_2nd\_JHA\_Agencies\_Network\_meeting\_18-19\_June\_2019\_\_*
- (83) *@EXT\_ FW\_ Follow up actions from the 2nd JHA Network meeting*
- (84) *@EXT\_ KIND REMINDER - follow-up actions to the 1st JHA Agencies Network meeting and actions in preparation of the 2nd JHA Agencies Network meeting*
- (85) *COSI\_Report\_on\_the\_JHA\_Agencies\_Network\_Activities\_2019\_FINAL*
- (86) *reporting back - 2nd JHA Agencies Network meeting- issues pertaining to CS*
- (87) *RE Public Access to Documents - Training for JHA Agencies' staff- Brussels 28 January 2020 - final agenda and list of participants*
- (87a) *JHAAN\_Draft Agenda \_PAD training-01.24.2020clean (1)*
- (87b) *List participants Table Names only (1)*
- (88) *save-the-date message PAD Training JHA Agencies 28\_01\_2020*
- (88\_01) *RE Public Access to Documents - Training for JHA Agencies' staff- Brussels 28 January 2020 - pls let us know who will participate*
- (89) *Europol priorities 2019*

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 14d, 14e, 15d, 18, 30, 31, 37, 40\_01, 40\_02, 40\_03, 41, 49, 50, 55, 63, 67, 75, 85, and 89**, our examination concluded that they can be disclosed. You can find them attached. **Documents 8, 13, 20a, 41\_01, 51, 52, 57, and 65**, are already in the public domain, you can find them at the above indicated links or attached.

## **II. Partial disclosure**

Concerning **documents 9, 10, 11, 14, 15, 15a, 15b, 15c, 16, 20, 21, 22, 23, 24, 25, 26, 27, 42, 43, 43\_01, 44, 47, 58, 59, 59b, 60, 61, 62, 64, 66, 68, 70, 70a, 72, 76, 87, 87a, 87b, 88, and 88\_01**, 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.

Concerning **documents 80a, 80b, and 82a**, some parts of the documents are out of the scope of your request, hence only the relevant parts were kept. You can see them attached in their 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 1 to 7, 12, 16b, 17, 19, 28, 29, 29\_01, 32 to 36\_01, 38 to 40, 42a, 43\_01, 44a, 45, 46, 47a, 48, 53, 54, 56, 60a, 69, 71, 74, 77 to 80, 81,**



**81a, 82, 83, 84, and 86**, 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, it should be noted that the content of these draft documents is reflected in the disclosed final documents.

### **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

Signature  
signed

