



2019 Annual report on public requests to access EMCDDA documents

1- Background

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 defines the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as "the institutions") documents provided for in Article 255 of the EC Treaty in such a way as to ensure the widest possible access to documents, establishes rules ensuring the easiest possible exercise of this right, and promotes good administrative practice on access to documents.

This Regulation is also applicable to other European Union Institutions and Agencies, including the EMCDDA. As such, the Management Board on 24 April, 2006, adopted Decision DEC/MB/06/05 on its implementing rules, and the Director appointed an internal Coordinator on 26 January, 2018 (DEC/DIR/2018/001).

2- Report of coordination activities

Article 17 of the Regulation states that each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register. The previous year report was produced on 18 December, 2018, and it is published on the EMCDDA webpage.

In 2019, the EMCDDA received 6 public requests to access documents. None was refused. However, following a verification exercise from personal data protection perspective, a number of third parties data included in the requested documents were erased prior to proceed to the disclosure. Equally, in one of the cases, taking into account the existing rules, some of the requested documents were not provided.

The first request was submitted by a citizen directly to FRONTEX, and forwarded to the EMCDDA by this Agency, who was asking for a number of documents relating with meetings of the Heads of Justice and Home Affairs Agencies convened in the previous years.

The second was submitted by a citizen to the General Secretariat of the Council of the European Union, and submitted to the EMCDDA, for approval, on the different aspects linked with its activities developed during the EMCDDA Chair of the Justice and Home Affairs Agencies Network.

The third request was submitted by a citizen directly to the EMCDDA, asking for a number of documents concerning the Transparency Unit of the EMCDDA, or its equivalent administrative structure, and more concretely on the number of staff members assigned to such a hypothetical unit and its budget and costs occurred.

The fourth request was submitted by a citizen who asked for the documents relating with job vacancies and their selection procedures published by the EMCDDA. In this very specific case, all the requested documents were transmitted, except those linked with the concrete questions actually asked by members of the selection committees. In fact, this specific part of the request was considered by the EMCDDA Human Resources Management, in an opinion shared by the Coordinator on Public Access to document, as not acceptable under the current rules.

The fifth request was directly submitted to the EMCDDA by a citizen who asked to have access to documents relating with the Director trips, especially in what concerns costs, places and exact dates, all this during a concrete period of time.

The final request was submitted by a EMCDDA staff member, who requested access to a number of documents, including also personal data, relating with a selection procedure.

3- Other activities

The Coordinator maintained a number of contacts and interviews, both internally and with external partners, aiming to clarify a number of issues and possible procedures, and to better ensure a positive outcome of those activities.

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