
@EXT: RE: Form submission from: Request access to Europol documents

G24 EU & International Law <G24@europol.europa.eu>

Mon, Sep 11, 2017 at 2:51 PM

To: [REDACTED]
Cc: G24 EU & International Law <G24@europol.europa.eu>

Dear Mr Belford,

Europol has assessed your application and has identified the following in respect to each part of your request:

1) "All documents, including correspondence, related to the meeting, under the auspices of Focal Point Firearms, held in Madrid between February 15 and 17 of 2016 that discussed the Dadak case. This includes documents prepared by the European Police Office for the purpose of this meeting, received from a third party during the preparation of this meeting, and exchanged during the course of this meeting. This includes any documents showing, in full or in part, lists of attendees (including information on names, positions and agencies represented) at the meeting and any available transcripts and/or records of the meeting."

With regard to point 1) of your request, Europol has identified 6 documents - an agenda, an invitation letter, two participant lists, a presentation and an application for Financial Support for Operational Meeting. We regret to inform you that Europol has decided to refuse access to them on the basis of Article 4(1)(a) and (b) of the Management Board Decision on Public Access, as their disclosure would undermine the protection of the public interest as regards public security, such as the proper fulfilment of Europol's tasks, the investigations and operational activities of Member States, third parties or Union bodies, as well as the privacy and the integrity of the individuals therein mentioned. The documents contain personal data, details on operational steps taken by the participating Member States in this case and logistical arrangements regarding the meeting held in Madrid last year, the disclosure of which to the public would risk prejudicing the present and future operational and investigative activities of Member States aimed at dismantling organised criminal groups involved in illicit trafficking in firearms. The release of the information contained in the documents would also have a negative impact on the cooperative relations between Europol and its partners, consequently hindering Europol's ability to fulfil its tasks.

2) "All documents, including correspondence, that make reference to a leak of information from this meeting that resulted in members of Dadak's network becoming aware of this investigation."

Europol identified one document as falling in the scope of point 2) of your request – a briefing note, intended for internal use only. We regret to inform you that Europol has decided to refuse access to it on the basis of Article 4(1)(a) of the Management Board Decision on Public Access as its disclosure would undermine the protection of the public interest as regards public security, such as the proper fulfilment of Europol's tasks. The document contains a record of Europol's knowledge about an alleged leakage of information in relation to the case in question, and the disclosure of this information to the public would prejudice the mutual trust between Europol and its cooperation partners, which is essential for Europol to be able to fulfil its tasks.

3) "All documents, including correspondence and reports, made subsequent to Dadak's arrest in Spain in 2016 that make reference to the case or any related investigations."

Europol has identified 2 documents as falling in the scope of point 3) of your request. The information in them, exchanged in the framework of a communication exchange between Europol and its partners, relates to operational activities and investigations conducted in relation to the case at stake. We regret to inform you that Europol has decided to refuse access to them on the basis of Article 4(1)(a) of the Management Board Decision on Public Access as their disclosure would undermine the protection of the public interest as regards the public security, such as the proper fulfilment of Europol's tasks, and the investigations and operational activities of Member States, third parties or Union bodies. The disclosure of such sensitive information would risk prejudicing the operational activities of Member States in this case and in their fight against organised criminal groups as well as undermine Europol's partners' trust, consequently preventing Europol from fulfilling its tasks.

You may make a confirmatory application asking Europol to reconsider its position within 15 working days of receiving Europol's reply, in accordance with Article 5(4) of the Management Board Decision.

Kind Regards,
G24 - EU & International Law

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G24 EU & International Law <G24@europol.europa.eu>
[REDACTED]

Thu, Oct 19, 2017 at 11:39 AM

Cc: G24 EU & International Law <G24@europol.europa.eu>

Dear Mr Belford,

As regards your confirmatory application of 12 September 2017, please be informed that Europol has reassessed the documents to which access was denied further to your initial application and the Executive Director, as the authority to decide upon confirmatory applications, has decided as follows:

- Regarding point 1 of your request, we are pleased to inform you that full access has been granted to the agenda and partial access has been granted to the invitation letter, the two participants lists and the application for Financial Support for Operational Meeting, all herewith attached. Redactions have been made to a minor extent (indicated throughout the text in black shapes '[...]') by deleting the personal data and contact information to protect the privacy and integrity of the individuals therein mentioned pursuant to Article 4(1)(b) of the Management Board Decision on public access. In the application for Financial Support for Operational Meeting document, redactions have also been applied pursuant to Article 4(1)(a) of the said Management Board Decision to the detailed operational information related to the case, the disclosure of which, as explained to you, would risk prejudicing the cooperative relations and mutual trust between Europol and its partners, as well as present and future operational and investigative activities of the Member States, which would consequently hinder Europol's ability to fulfil its tasks. With regards to the sixth document falling in the scope of this part of your application - the presentation, please note that the Executive Director finds no grounds to deviate from Europol's original assessment as expressed in the reply of 11 September 2017, which remains valid.
- Regarding points 2 and 3 of your request and the 3 documents that were identified to fall into the scope of these points, please be informed that the Executive Director also finds no grounds to deviate from Europol's original assessment in the reply of 11 September 2017, and the reasons for the non-disclosure as explained to you remain valid.

Please note that this decision was taken after careful consideration of your written submissions and an ad hoc re-assessment of the concrete consequences of the disclosure of the documents against the specific interests protected under Article 4 of the Management Board Decision laying down the rules for applying Regulation 1049/2001 with regards to Europol documents. Please also note that you have the right bring an action before the General Court of the European Union or to lodge a complaint with the European Ombudsman.

Kind Regards,
G24 - EU & International Law