Ref. Ares(2022)4715393 - 28/06/2022

EUROPEAN COMMISSION
Service for Foreign Policy Instruments

Acting Director – Head of Service

Brussels,
ARES (2022)

By registered letter with acknowledgment of receipt
Privacy International
62 Britton Street
London EC1M 5UY
United Kingdom

Advance co b email :
[redacted]

Dear Madam,

Subject: Your application for access to documents – GESTDEM 2022/2677

We refer to your request dated 12 May 2022 in which you make a request for access to documents, registered on 12 May 2022 under the above-mentioned reference number.

You request access to different types of documents, i.e:

1. *Mission and project reports indicating, among others, the number of new legislative frameworks adopted in partner countries regulating the collection, transmission, use, retention and sharing of passenger data in compliance with international human rights standards*;
2. *Reports or other documents indicating number of 'All-of-UN' deep-dive missions undertaken throughout project duration, number of comprehensive national API/PNR roadmaps developed for partner countries in receipt of a deep-dive mission;*
3. *Reports from pre- and post- training/workshop tests, project reports, mission reports and other documents, indicating the number of people reached through awareness raising and capacity-building workshops held by the project, disaggregated by sex; and all education materials which were provided to participants before, during or after the training, indicating among others obligations regarding API/PNR collection;*
4. *Copies of any draft laws drafted with project support in partner countries regulating the collection, transmission, use, retention and sharing of API/PNR data in compliance with international human rights standards;*
5. *A copy of the Guidance Note on human rights issues pertaining to API/PNR;*
6. *Progress reports, UNgoTravel system data, and other documents demonstrating the frequency of access to and use of the UNgoTravel software solution by partner countries and number of partner countries having deployed the UNgoTravel software thanks to support of this Action.*

I consider your request to cover documents held up to the date of your initial application, i.e. 12 May 2022.

The following documents fall within the scope of your application:

- *UN-EU Countering Terrorist Travel Partnership (UN-EU CT Travel) Inception Report.*

- *Progress report for donors 01 July – 30 September 2020.*

- *UN-EU Countering Terrorist Travel (CT Travel) Project progress report for 2020 (Progress report for donors) 1 January – 31 December 2020) Ref. Ares(2021)3576092*

- *UN Countering Terrorist Travel (CT Travel) Programme Semi-annual report (1 January to 30 June 2021). Ref. Ares (2021)5284741*

- *Progress Report UN-EU Countering Terrorist Travel Partnership 01 January - 31 December 2021. Ref. Ares(2022)1534813*

- *Countering Terrorist Travel Programme annual report for 01 January to 31 December 2021. Ref. Ares(2022)2544832*

We would like to inform you that the documents in question include non-confidential information which is publicly available on OCT's website and the CT Travel website, that you can find in the following link, at your convenience: *https://www.un.org/counterterrorism/countering-terrorist-travel and https://www.un.org/cttravel/*

Since the listed documents originate from a third party, the originator of the documents, namely the United Nations Office of Counter-Terrorism, has been consulted as required under Article 4, paragraph 4 of Regulation (EC) No 1049/2001 regarding public access to documents.

Following an examination of all documents referred above, the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, I regret to inform you that your application cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4(1) of this Regulation.

The authors of the documents referred above have objected to disclosure of the documents that they sent to the Commission and have motivated their position stating that the documents were created by the United Nations and form part of its archives, and are hence inviolable. The authors of the documents have also referred to the provision of article 6.1 of the General Conditions (annex II of their Contribution Agreement signed with the European Commission) which clearly states that the any document, information or other material directly related to the implementation of the action and communicated is considered confidential. The authors have detailed the level of confidentiality which relates in particular to the deliberations between the United Nations and beneficiary Member States on various aspects of the CT Travel Programme. Some of the information contained in the reports is considered sensitive as it pertains to safety and security aspects.

Please be informed that some elements contained in the documents in question are publicly available on the website of the United Nations Office of Counter-Terrorism and on the CT Travel website: *https://www.un.org/counterterrorism/countering-terrorist-travel and https://www.un.org/cttravel/*

In light of the above, the exception laid down in Article 4(1) a of Regulation (EC) No 1049/2001 applies to the documents.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: [redacted]

Yours faithfully,

[redacted]

Electronically signed on 27/06/2022 17:28 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121