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Directorate C: Migration and Protection
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**Draft Protocol on granting permission to access the EMN IES and
restricted EMN content**

Version 3.0

Subject: This paper is intended as a document to set down a protocol to access the EMN IES including access to EMN RESTRICTED data. It has been updated in line with comments received during the EMN Steering Board Meeting. The changes are shown in grey.

Actions: Steering Board Members are invited to review the document and provide comments by 15 July 2019.

Draft Protocol on granting permission to access the EMN IES, including sensitive and restricted information

1. Introduction

EMN Study and Inform proposals and requests for ad-hoc information from time to time require EMN NCPs to research and share, via the EMN Information Exchange System (IES), information on migration topics which may be considered by the Commission or Member States to be of a sensitive nature. Article 8 of Council Decision 2008/381/EC of 14 May 2008 establishing the EMN, makes reference to the IES (paragraph 1) and its contents (paragraph 2) and recognises that whilst the content of the IES shall normally be public, there is a basis for the restriction of certain types of information (paragraph 2):

Without prejudice to 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 (1), access to confidential information shall be restricted to EMN members only.

Where the EMN elects to research topics that require the exchange of sensitive information via the IES, access to such information must be carefully managed and limited to pre-approved users. This document summarises the protocols applied by the EMN to grant user access to the IES, and sets out how access to information that is considered sensitive is classified, accessed, handled and stored over its life-cycle.

2.1 What is ‘sensitive’ and ‘restricted’ information?

Information considered ‘sensitive’ has generally included responses to (some) EMN Ad-Hoc Queries. In such cases EMN NCPs opt to classify their national response 'not for wider dissemination', with the effect that this response is available within the IES, but is not included in the compilation of the respective Ad-Hoc Query published on the EMN or on Member States’ web-sites.

The EMN Steering Board approved two studies¹ to be undertaken in the EMN Work Programme for 2018 and 2019, with content was considered by the Commission and (some) EMN NCPs to be sufficiently sensitive to be restricted only to certain users within the IES (set out in Section 3.5) and not to be disseminated to the wider public. This approval has resulted in the decision to introduce a new classification for information exchanged by the EMN: "EMN RESTRICTED". Work on these two studies is currently in progress, and has required the establishment and use of a secure workspace with restricted access on the EMN-IES, in order for Member State authorities to be able to share in confidence the relevant information via their EMN NCP. National contributions and the final package of outputs will in these cases remain accessible only via the EMN IES and only to pre-authorised user groups (see Section 3.5).

¹ 2018 EMN Study on Beneficiaries of International Protection travelling to their country of origin (Annex classified as "EMN RESTRICTED") and 2019 EMN Study on Third-country nationals with a residence permit who pose a threat to national security – policies and practices in the EU (full study (i.e. national reports and synthesis reports classified as "EMN RESTRICTED")).

Information that is not classified as EMN RESTRICTED as determined by the approach set out in Section 2.2 below, but that is still deemed sensitive by an individual EMN NCP will continue to be flagged as ‘not for wider dissemination.’ This concept remains intact and differs from "EMN RESTRICTED" in that it is entirely at the discretion of the Member States.

2.2. How is EMN RESTRICTED content determined?

The originator of information shall be responsible for determining the security classification EMN RESTRICTED. Thus EMN NCPs and their national authorities, who contribute national information to an EMN output (Study, Inform, Ad-Hoc Query etc) shall determine whether that information is classified as EMN RESTRICTED, in line with national policy. On the basis of agreement, the Commission and EMN NCPs together, shall determine whether an EMN Study, in whole or in part, Inform or other EMN output based on material synthesised from national information, is classified as EMN RESTRICTED.

In practice, any synthesised EMN document that contains information classified as EMN RESTRICTED will, in whole or in part, be classified as EMN RESTRICTED on the basis of its content. However, situations may arise where information that is not considered EMN RESTRICTED at National level may be deemed EMN RESTRICTED once synthesised. For example, information on return incentives is likely to be available in the public domain at national level; however, a comparative study of return incentives across Member States could risk encouraging ‘return shopping’ and thus the Commission and Member States may consider this sufficiently sensitive to elect to restrict its circulation.

The Commission and other Institutions of the EU may also reserve the right to determine EMN material EMN RESTRICTED where its wider dissemination (unexpectedly) proves to be sufficiently sensitive to warrant an EMN RESTRICTED classification. For example, EMN Ad-Hoc Queries which provide content dealing with EU Member States’ relationships with third country governments have recently been classified as "EMN RESTRICTED" by the Commission. These Ad-Hoc Queries have now been withdrawn from EMN and Member State websites and are held only within the dedicated EMN-IES workspace and accessed by pre-approved users. Ad-Hoc Query compilations on this topic in future will also be accessed only via the dedicated workspace and will not be made available to the wider public.

3. Management of EMN RESTRICTED content

3.1 How will EMN RESTRICTED content be managed in the EMN IES?

This document lays down the basic principles and minimum standards for accessing EMN RESTRICTED content and content that is deemed ‘not for wider dissemination’ and preventing its use by non-authorised users. These principles and standards apply to all EMN outputs (in whole or in part) that are based on or contain information that has been designated as such by its originators. Content classified as EMN RESTRICTED will be stored securely on a dedicated EMN IES workspace, to which access will be limited to pre-approved groups and individuals.

3.2 Who will be able to access the EMN IES?

Individuals who are nominated members of the following groups of EMN users only may be granted access to the EMN IES; however access rights will be varied according to the status of the user:

- EMN IES Management Team: COM and the EMN Service Provider, External Evaluator;
- EMN Steering Board Members: all nominated EMN SB members;
- The EMN Steering Board Observers: the European Parliament, according to Article 4 EMN Decision 2008/381/EC);
- EU Agency Observers: contact points nominated by the relevant EU Agencies who attend EMN Steering Board, NCP and REG meetings on a regular basis: the EU Agency for Fundamental Rights, Frontex and EASO;
- EMN National Contact Points²: all EMN NCP representatives, as proposed by EMN NCP coordinators;
- Members of EMN Expert Groups proposed by EMN NCPs and funded through EMN grants: currently EMN Return Expert Group³ (REG) members;
- EMN REG Practitioners, a subgroup within the EMN REG: as part of the work developed under REG, members of this group shall be selected by Member State's authorities' representatives, as well as relevant EU funded networks and programmes working on return issues;
- EU Policymakers: internal Commission desk officers responsible for policies relevant to EMN outputs;
- EMN NCP National Administrator: nationally-based IES communities (once these are developed in the current phase of the IES development);
- Members of other EMN IES Platforms⁴: for example, members of the EMN Platform on Statelessness.

3.3 Protocol to access the EMN IES and validate access requests

The protocol for requesting access to the new EMN-IES and validating such requests is as follows:

² Those Member States where the nominated EMN NCP is not from the national authority, but contributes to or is required to access information that may be classed as RESTRICTED, either from their Member State or from other Member States, are subject to the conditions set out under the Section 3.5 Who can have access to EMN Restricted Content?

³ Those Member States where the REG Expert is not from the national authority, but contributes to or is required to access information that may be classed as RESTRICTED, either from their Member State or from other Member States, are subject to the conditions set out under the Section 3.5 Who can have access to EMN Restricted Content? NB REG Wider Group Members are not included in this group of IES users.

⁴ Those Members of the EMN IES Platforms, who are not from a national authority, but contribute to or are required to access information that may be classed as RESTRICTED, either from their Member State or from other Member States, are subject to the conditions set out under the Section 3.5 Who can have access to EMN Restricted Content?

1. The user authentication of the new EMN IES is via the EU Login (ECAS) registration. New users must first register at:
<https://webgate.ec.europa.eu/cas/eim/external/register.cgi>
2. For access to the EMN IES, the user must then access the web-gate at:
<https://webgate.ec.europa.eu/emn-ies> where s/he will be asked to enter his / her EU Login credentials. S/he will then arrive at the Access Request Form.
3. The Access Request Form is partially pre-filled with data coming from the user's EU Login account (username, e-mail, name), and which cannot be edited via the EMN IES.

In the first section, 'Personal Information', all outstanding fields must be completed.

The user must:

- a. include an identification document that will allow the Operational Manager of his/her Primary Organisation to identify him/her;
- b. As of 1 August 2019 all new users must upload a signed user charter, which can be downloaded from: https://webgate.ec.europa.eu/emn-ies/sites/default/files/ami_usercharter_170912_tv.pdf

In the second section, the user must select the category describing his/her 'Primary Organisation' and fill in the required fields, including a clear description in the field indicated 'Role in Migration Activities'⁵. The user must then select the appropriate 'User role'⁶ ('Operational User' in all except EMN IES Management Team roles).

In the third section 'Secondary Organisations', the user selects the relevant workspaces s/he wishes to access, depending on his / her professional activities.

Finally, the user may request access to 'Additional Memberships', again depending on his / her professional activities.

4. After submission of the access request, the information entered is subject to a workflow of validations. The Operational Managers of each of the workspaces where access has been requested will validate the request, and approve or reject it.

3.4 Criteria to be applied in granting access to the IES

Access by European Commission policymakers will be limited to internal desk officers nominated by the EMN Chair on the basis of the relevance of their policy area and their on-going engagement in one or more EMN outputs, for example, EMN Ad-Hoc Queries, EMN Studies etc.

Only members of the EMN Service Provider Team will be granted access; there will be no admission for applicants from the wider Service Provider organisation (ICF). In the case of External Evaluators, or members of the EMN External Evaluation Team, access will be only granted on an ad-hoc basis, i.e. during an on-going EMN evaluation. There will be no admission to applicants from the wider External Evaluator's organisation.

⁵ Roles are defined by a drop-down box.

⁶ Here users should specify the activities (keywords) they will perform within the selected activity; this is important so that other users may be aware of their role.

EU Agency access will be restricted to nominated representatives from EMN-relevant Agencies, currently FRA, Frontex and EASO.

3.5 Who can have access to EMN RESTRICTED Content via dedicated IES workspaces

Access to EMN RESTRICTED content is authorised for EMN Member State Government officials, EMN Member State authority officials, EU Commission staff and EU Agency staff, EMN Service Provider staff employed specifically for EMN purposes (this is subject to a legally binding contractual confidentiality agreement entered into by the Service Provider and the Commission).

EMN NCPs who are not EMN Member State Government or Authority officials but are nominated to represent their MS as an EMN NCP (e.g. international organisations, universities) must obtain a written authorisation from their appointing Ministry authorising access to EMN RESTRICTED content in their role as individual NCP staff members (by name), communicated to the Commission. Alternatively, if a legally binding confidentiality agreement governing access to 'sensitive' and EMN RESTRICTED information has been signed between the appointing Ministry and the non-government EMN NCP, this must be communicated to the Commission and if deemed sufficient, will be accepted for granting access to restricted information. A reference to the EMN general Grant Agreement's Article 21 on Confidentiality is not deemed sufficient in itself.

4. User roles and access rights

EMN / IES users will be granted access to the various work spaces according to need and will be drawn from the following groups:

- **EMN IES Managers** – this role is granted to COM and the EMN Service Provider and provides access to the functionality within the IES such as:⁷
 - Adding / renaming folders; publishing, editing, moderating and deleting documents (NB it will not be possible for any role other than the EMN IES administrators to delete documents once they have been uploaded);
 - Approving users according to the criteria set out below (COM only);
 - View all materials uploaded – EMN RESTRICTED and unrestricted;
 - Download all materials uploaded – EMN RESTRICTED and unrestricted;
 - Launch EMN Ad-Hoc Queries;
 - Respond to EMN Ad-Hoc Queries;
 - View all content of Ad-Hoc Queries;

Note: External evaluators will be only granted access on an ad-hoc basis, i.e. during an on-going EMN evaluation.
- **EMN Steering Board and NCP members (MS officials or those with letter of authorisation to access restricted material)** – in this role, users can:⁸
 - Access all EMN /REG workspaces except REG Practitioners Group;
 - Launch EMN Ad-Hoc Queries;

⁷ This corresponds to the "Operational Manager" user role of the EMN-IES.

⁸ This corresponds to the "Operational User" user role of the EMN-IES.

- Respond to EMN Ad-Hoc Queries;
- View all content of Ad-Hoc Queries;
- Upload a draft version of an existing document;
- Upload new documents;
- View all materials uploaded – EMN RESTRICTED and unrestricted.
- Download all materials uploaded – EMN RESTRICTED and unrestricted.
- **EMN Return Practitioners Group members** - in this this role, users can:⁹
 - Access all REG workspaces;
 - Respond to REG Ad-Hoc Queries;
 - Upload a draft version of an existing document;
 - Upload new documents;
 - Download materials – unrestricted
 - View all materials uploaded – unrestricted.
- **EMN REG Wider Community** in this this role, users can:¹⁰
 - Access EMN General and REG General workspaces;
 - Upload a draft version of an existing document;
 - Upload new documents;
 - Download materials – unrestricted
 - View all materials uploaded – unrestricted.
- **EMN Observer(s) / EU Agency Observers¹¹**. Users may access and download any general EMN / REG documents, but will not be able to access documents classified as work in progress or EMN RESTRICTED, unless an individual from this group has a specific role in an EMN study or other output where access is necessary. Members of this groups will be able to:
 - Access all non-RESTRICTED EMN / REG workspaces except REG Practitioners;
 - Upload new documents to unrestricted workspaces;
 - Download materials – unrestricted
 - View all materials uploaded – unrestricted.
- **Commission Policy Officers** – this role inherits all the functionality of the EMN NCP and Steering Board with the exception of launching an EMN Ad-Hoc Query, which must be done via the EMN Chair. EU policy makers professionally working on migration issues will be able to view and download all materials uploaded – both EMN RESTRICTED and unrestricted.¹²

⁹ This corresponds to the "Operational User" user role of the EMN-IES.

¹⁰ This corresponds to the "Operational User" user role of the EMN-IES.

¹¹ This corresponds to the "Normal User" user role of the EMN-IES. A "Normal User" can view content.

¹² This corresponds to the "Operational User" user role of the EMN-IES.

- **EMN NCP Operational Manager** – this role is granted to up to three members of each EMN NCP who will be responsible for managing access for EMN NCP and SB members from their Member State to the EMN NCP's individual workspace. It is up to each EMN NCP to designate their respective operational manager(s).

The above groups' access to the various workspaces is summarised in the table below.¹³ The EMN General workspace will include content that can be freely accessed by all EMN / REG IES users. The EMN Officials' workspace will contain details of EMN NCP and SB meetings plus documents that are 'work in progress', and will be restricted to EMN NCPs, SB members, and EMN Observers (European Parliament, EU Agencies, representatives from external organisations who may from time to time be involved in the development of specific EMN studies or other outputs).

Workspace	Content	Intended Members	Intended user roles
EMN General	General EMN information and documents	Commission, Commission Policy Officers, Service Provider, EMN NCPs, EMN Steering Board members, REG members, EMN Steering Board Observers / EU Agencies, International Organisations, NGOs	Operational managers: Commission and Service Provider Operational user or normal user: all others
EMN Officials (wider group)	Official Workspace for EMN NCPs	Commission, Commission Policy Officers, Service Provider, EMN NCPs, EMN Steering Board members, EMN Steering Board Observers / EU Agencies	Operational managers: Commission and Service Provider Operational user or normal user: all others
EMN Restricted Documents	Workspace for all EMN outputs classified as EMN RESTRICTED	Commission, Commission Policy Officers, Service Provider, EMN NCPs who are government officials or have ministry clearance to handle confidential information, EMN Steering Board observers / EU Agencies involved in the development of EMN RESTRICTED outputs and MS Government and Authority officials	Operational managers: Commission and Service Provider Operational user or normal user: all others
EMN REG General	REG wider documents and	Commission, Commission Policy Officers, Service Provider, EMN NCPs,	Operational managers: Commission and

¹³ EMN – IES also hosts EU funded migration activities such as ERRIN, Statelessness and FreMIII and these users would be able to request access to their dedicated workspace area plus the EMN General workspace.

	meetings	EMN Steering Board members, REG Wider Community, REG Practitioners	Service Provider Operational user or normal user: all others
EMN REG Practitioners General	REG practitioners documents and meetings	Commission, Commission Policy Officers, Service Provider, REG Practitioners	Operational managers: Commission and Service Provider Operational user or normal user: all others
EMN Info	EMN Info working group meetings and documents	Commission, Commission Policy Officers, Service Provider, EMN NCPs, EMN Steering Board members, EMN Info working group members and appointed contact points	Operational managers: Commission Operational user or normal user: all others

5. Life-cycle management: downloading, storing and sharing EMN RESTRICTED content

The Commission Decision (EU, Euratom) 2015/444 of 13 March 2015¹⁴ on the security rules for protecting EU classified information sets out the requirements for classifying such information and managing its lifecycle. The Decision applies to EMN RESTRICTED content, which is the lowest of the four security levels set out in the document.

The Commission will ensure that the EMN IES operates in compliance with the Decision in relation to the classification, storage, transmission and destruction of EMN RESTRICTED Information. All Member States must also familiarise themselves with the Decision and the guidance provided regarding the classification of national information, and the management of such information throughout its life-cycle and ensure compliance with national standards and regulations.

EMN NCP National Administrators are responsible for ensuring that access to the IES is enabled for the relevant officers in their Member State and that EMN RESTRICTED content is handled in accordance with its classification. As well as granting access, it is also important that IES access for staff members who leave their EMN roles is subsequently terminated. This is particularly important where a staff member leaves the EMN NCP but remains within the hosting organisation (and retains their organisational e-mail address) as they may continue to receive invitations to renew their access via the ECAS system via their organisational e-mail address.

¹⁴ <https://publications.europa.eu/en/publication-detail/-/publication/41a6eeeb-cc70-11e4-ab4d-01aa75ed71a1/language-en>

Annex 1: Summary of IES access

Summary of user roles / access rights/ Section / Functionality IES Folders	Roles									
	IES Management			NCPs	SB members	EU policy-makers ¹⁵	EU Agencies	Observers (e.g. EP)	EMN REG	
	COM	Service provider	External Evaluator						REG Practitioners	REG Wider Group
EMN General										
Add / delete folders	X	X								
View documents (unrestricted)	X	X	X	X	X	X	X	X	X	
Upload and delete new documents	X	X	X	X	X	X	X	X	X	
‘Publish’ final documents	X	X		X	X	X	X	X	X	
Upload amended versions of existing documents	X	X		X	X	X	X	X	X	
Delete any documents	X	X								
EMN Officials (wider group)										
Add / delete folders	X	X								
View documents (work in progress)	X	X	X	X	X	X	X	X		
Upload and delete new documents	X	X	X	X	X	X	X	X		
Upload amended versions of existing documents	X	X	X	X	X	X	X	X		
Delete any documents	X	X								
EMN RESTRICTED material										
Add / delete folders	X	X								
View documents	X	X		X ¹⁶	X	X	X*			
Upload and delete new documents	X	X		X	X	X	X*			

¹⁵ This group will be composed by internal Commission desk officers responsible for a relevant policy area and their on-going engagement in such area.

¹⁶ Includes EMN Member State Government officials and EMN Member State authority officials. EMN NCPs who are not EMN Member State Government or Authority officials but are nominated to represent their MS as an EMN NCP (e.g. international organisations, universities) must obtain a written authorisation from their appointing Ministry authorising access to EMN RESTRICTED content in their role as individual NCP staff members (by name), communicated to the Commission (see Section 3.5)

Upload amended versions of existing documents	X	X		X	X	X	X*			
Delete documents	X	X								
EMN REG General										
Add / delete folders	X	X								
View documents (work in progress)	X	X	X	X	X	X	X	X	X	X
Upload and delete new documents	X	X	X	X	X	X	X	X	X	X
Upload amended versions of existing documents	X	X	X	X	X	X	X	X	X	X
Delete any documents	X	X								
EMN REG Practitioners										
Add / delete folders	X	X								
View documents (work in progress)	X	X	X	X	X	X	X		X	
Upload and delete new documents	X	X	X	X	X	X	X		X	
Upload amended versions of existing documents	X	X	X	X	X	X	X		X	
View documents EMN RESTRICTED (in progress)	X	X	X	X	X	X	X		X	
Upload and delete new documents EMN RESTRICTED	X	X	X	X	X	X	X		X	
Upload amended versions EMN RESTRICTED	X	X	X	X	X	X	X		X	
Delete any documents	X	X								
Ad-hoc Query (IES based system)										
Launch	X	X		X					X	
Respond	X	X		X					X	
View in progress	X	X	X	X	X	X			X	X
View final (unrestricted)	X	X	X	X	X	X	X	X	X	X
View final (RESTRICTED)	X	X		X	X	X	X*		X	
Ad-hoc Query responses in EMN Archive										
View final (unrestricted)	X	X	X	X	X	X	X	X	X	X
View final (RESTRICTED)	X	X		X	X	X	X*			

X* - access from these groups is restricted to those involved in the development of specific EMN products.

