



EUROPEAN COMMISSION  
RESEARCH EXECUTIVE AGENCY

Legal Affairs, Internal Control and Reporting  
Head of Sector

Brussels,  
REA C0.1

Ms Fieke Jansen  
Donaustrasse 54,  
12043 Berlin  
GERMANY

*Sent by registered email to:  
ask+request-7702  
8c9253d7@asktheeu.org*

**Subject: Your application for access to documents on the Speaker Identification Integrated Project (SiiP) Grant agreement (607784) - Ares(2020)1207776**

Dear Ms Jansen,

We refer to your access to documents request submitted to the Research Executive Agency (REA) on 24 February 2020 via the website AskTheEU.org and registered on 03 March 2020 under reference number Ares(2020)1327312.

**A. SCOPE OF YOUR REQUEST**

In your application concerning the project SiiP (grant agreement nr. 607784) you stated:

*“...I am requesting all documents held by European Union bodies and agencies which contain any of the following information, in full or in part:*

*Information related to the Speaker Identification Integrated Project (SiiP) Grant agreement ID: 607784. (<https://cordis.europa.eu/project/id/607784>)*

*Specifically ANY information related to the:*

- 1. The scientific evaluation and European Commission approval of the above-mentioned research project*
- 2. The Ethics Annex to the proposal submitted by the partner.*
- 3. The ethics evaluation of the project conducted pursuant to the Horizon 2020 rules.*
- 4. The Description of Work included in the Grant Agreement signed by the European Commission and the lead partner.*
- 5. All periodic reports submitted to REA by the lead partner.*
- 6. All periodic reports submitted to REA by the project Ethics Advisor or Ethics Advisory Board.*
- 7. All deliverables submitted by the lead partner to REA pursuant to the Grant Agreement.*
- 8. All other documents concerning the implementation of the project submitted by the lead partner to REA.*
- 9. Human rights impact assessment on the project done under the framework of Horizon 2020*
- 10. Data protection impact assessment on the project done under the framework of Horizon 2020*
- 11.*

*The pilot implementation (also referred to as testing) of the project Speaker Identification Integrated Project (SiIP) with the four law enforcement partners; Ministério da Justiça (Portugal), Ministero Della Difesa (Italy), Mayor's Office for Policing and Crime (United Kingdom), and the Bundeskriminalamt (Germany).*

*12. From ALL the Periodic Progress Report and Annual Report I would like to know ALL the following information on*

*12 a) The origin of data that was used to train and test the SIIP model and any safeguards that ensure that the data origin was lawfully collected for the purpose of training this model.*

*12 b) Measures taken to safeguard the collection and processing of biometric data for both the training of the SIIP model and the testing with the four law enforcement partners. Considering voice samples are considered sensitive personal identifiable data under both the GDP and the Law Enforcement Directive.*

*12 c) The language that the SIIP project analysed during this projected.*

*12 d) Any identified bias discovered in the SIIP project towards specific languages and dialects*

*12 e) Any training manuals that were created for the SIIP project*

*12 f) Report and evaluation on the testing of the project with the four law enforcement partners; Ministério da Justiça (Portugal), Ministero Della Difesa (Italy), Mayor's Office for Policing and Crime (United Kingdom), and the Bundeskriminalamt (Germany). This should include:*

- the department in the law enforcement partners the SIIP project was tested with*
- the time, date and length in which the project was tested,*
- the type of crime the test was focusses on,*
- any reference in the report to the observations, results and challenges when SIIP was tested in these four jurisdictions*
- any ethical or human rights impact assessment the four law enforcement partners conducted for the testing of the SIIP project*
- any legal challenges that the SIIP project and/or four law enforcement partners encountered during the project period*
- any recommendations based on the testing, piloting, experimenting or implementation of SIIP*

*12 g) All documents stating reasons the Police Service of Northern Ireland ended their participation in this project."*

On 11 March 2020, after examination of the scope of your request, we have informed you that your application concerned a very large number of documents, which needed to be individually assessed, and the majority of which originates from third parties, which need to be consulted. In light of the above, we have informed you that we would not be in the position to handle your request within the time limits set out in Article 7 of the Regulation (EC) No 1049/2001 and therefore, in accordance with Article 6(3) of the Regulation, we have conferred with you to find a fair solution.

In this context, you were invited to specify the objective of your request, your specific interest in the requested documents, and to narrow down the scope of your request (i.e. the subject matters and/or timeframe covered), so as to reduce it to a more manageable amount of documents. In order to help you to narrow down your request we have provided the categories of documents with number of documents identified as falling within the scope of your request:

Proposal documents: 2

Evaluation documents: 2

Grant Agreement Annexes: 1

Deliverables: 56

Technical reports: 9

Ethical reports: 1

Correspondence on the project: 1

We specified that the length of these documents varies widely, from 1 to more than 150 pages and that a reasonable estimate would be that the requested documents would be more than 70 documents and represent at least 3900 pages.

We also stated that according to our preliminary estimates, and subject *inter alia* to others tasks that the REA staff concerned are likely to have to deal with during the same period, the third-party consultation and the length and/or complexity of the documents at stake, the handling of your request would take around 100 working days.

It followed that REA would be able to handle a maximum of 15 documents within the remaining days from the extended deadline of 30 working days counting from the date of registration of your application.

On 17 March 2020, you replied that you wanted to clarify your request and asked for the following documents:

“- 2 *evaluation documents*

- 1 *grant agreement annexes*

- 1 *ethical report*

- *Deliverable documents in the time period of the the testing of the project with the four law enforcement partners; Ministério da Justiça (Portugal), Ministero Della Difesa (Italy), Mayor's Office for Policing and Crime (United Kingdom), and the Bundeskriminalamt (Germany). ”*

On 23 March, we informed you that with regard to your last point on deliverables, we have identified 3 deliverables; moreover, we considered that a fair solution has been reached and informed you that REA will reply to your request by 17 April 2020.

This request is handled within the scope of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>.

## B. DISCLOSURE OF THE REQUESTED DOCUMENTS

As a preliminary point, I would like to stress that security research aims at fostering a collaborative process to explore new ideas and technologies. The funded EU security research projects (the projects SiiP - 607784 in this case) do not terminate with “development and deployment” of such ideas and technologies.

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<sup>1</sup> Regulation (EC) N° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.05.2001, page 43, hereinafter “Regulation N° 1049/2001.

The results of EU security research projects are only assessed based on their scientific and technological soundness and not linked to decisions related to the effective implementation years after the research work is completed. The objective of such research projects is to explore different ideas of how to address certain security challenges that Europe is facing and foster a collaborative process where different actors across the EU test their ideas.

Research does not deliver products to the market or enforce their uptake by public authorities. EU security research projects achieve a Technology Readiness Level (TRL) between 6 – 8 (see General Annexes for the definition<sup>2</sup>). To be noted that “development and deployment” are outside of the TRL scale.

After the completion of a research project, beneficiaries, who are the owner of the results, would still need to further invest their own resources for some years before “developing and deploying” tools to the market. Before deciding to further invest, those companies would need to consider the scientific reliability of the research and also the political, societal, ethical and financial implications, together with the need to respect the international, EU and national legislation in force.

Having examined the documents requested under the provisions of Regulation (EC) N° 1049/2001 regarding public access to documents, we consider that the documents which are listed in Annex 1 are related to your request.

In Annex 1 we specify the documents to be disclosed, partially disclosed or to which public access cannot be granted according to the exceptions provided in the above mentioned Regulation. The legal grounds for calling on these exceptions are detailed for each of the documents listed in the Annex 1 to this letter.

Concerning the exceptions to the right of access laid down in Articles 4(1)(b) and 4(2) first indent of Regulation (EC) No 1049/2001, namely the protection of public interest as regards the protection of privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data, and the protection of commercial interests of a natural or legal person including intellectual property we recall the following:

### **Protection of privacy and integrity of the individual**

Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) 45/2001 and Decision No 1247/2002/EC<sup>3</sup> (hereinafter “Regulation 2018/1725”).

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<sup>2</sup> [https://ec.europa.eu/research/participants/data/ref/h2020/wp/2014\\_2015/annexes/h2020-wp1415-annex-g-trl\\_en.pdf](https://ec.europa.eu/research/participants/data/ref/h2020/wp/2014_2015/annexes/h2020-wp1415-annex-g-trl_en.pdf)

<sup>3</sup> Official Journal L 205 of 21.11.2018, p. 39

The documents to which you requested access, contain personal data of individuals, such as the name, surname, email or other personal data of staff members of the consortium of the abovementioned project and/or of other individuals related to the project. Indeed, Article 3(1) of Regulation 2018/1725 provides that personal data ‘*means any information relating to an identified or identifiable natural person [...]*’. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to a particular person is to be considered as personal data<sup>4</sup>.

In its Judgment in Case C-28/08/P (Bavaria Lager)<sup>5</sup>, the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data protection Regulation becomes fully applicable.

Pursuant to Article 9(1)(b) of Regulation (EC) 2018/1725 ‘*personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if ‘[t]he recipient establishes 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’*’. Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

According to Article 9(1)(b) of Regulation, REA has to examine the further conditions for a lawful processing of personal data only if the first condition is fulfilled, namely if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that REA has to examine whether there is a reason to assume that the data subject’s legitimate interest might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose.

We consider that, in your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, REA does not have to examine whether there is a reason to assume that the data subject’s legitimate interest might be prejudiced. Nevertheless, please note that there are no reasons to assume that the legitimate interest of concerned individuals would not be prejudiced by disclosing their personal data. In the present case, disclosure of the personal data of persons involved in the project in question would harm their privacy.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation 1049/2001, access cannot be granted to the personal data contained in the document requested.

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<sup>4</sup> Judgment of the Court of Justice of the European Union of 20 December 2017 in Case C-434/16, *Peter Nowak v Data Protection Commissioner*, request for a preliminary ruling, paragraphs 33-35, [ECLI:EU:C:2017:994](#).

<sup>5</sup> Judgment of 29 June 2010 in case C-28/08/P, *European Commission v The Bavaria Lager Co. Ltd*, EU:C:2010:378, paragraph 59.

The exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001, the protection of privacy and the integrity of the individual, is an absolute exception that does not have to be balanced against the public interest in disclosure.

### **Protection of commercial interests of natural and legal persons**

The documents, listed in Annex 1 to this letter to which this exception applies, contain sensitive commercial information of the entities participating in the project not in the public domain in particular, the reference to the project consortium's financial data, intellectual property, knowhow, methodologies, technologies, potential inventions, working modalities.

The public disclosure of this information would thus seriously undermine the consortium commercial interests. Accordingly, the exception in Article 4(2) first indent of Regulation (EC) No 1049/2001, has to be invoked and access to this part of the document has to be refused.

Such exception applies, unless there is an overriding public interest in disclosure of the requested documents. Such an interest must, first, be a public interest and secondly, outweigh the harm caused by disclosure. In your application, you did not bring forward any argument to justify the existence of an overriding public interest in releasing the requested document. In this instance, we have found no elements that could indicate the existence of such an overriding public interest in the sense the Regulation (EC) No 1049/2001 that would outweigh the need to protect the commercial interests identified in this reply.

Therefore, the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to the above-mentioned documents (or part of it) that are not disclosed to you.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Director of REA to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to Mr Marc TACHELET, Director of REA, at the following address:

Research Executive Agency  
Covent Garden building  
COV2 – 08/52  
Place Charles Rogier, 16  
1210 Brussels

Or by e-mail to: [marc.tachelet@ec.europa.eu](mailto:marc.tachelet@ec.europa.eu)

Yours sincerely,

(e-signed)  
Barbara KAMPIS

Enclosures:

- Annex 1 - List of documents related to the request and legal grounds regarding disclosure
- Ethics Screening Report – project SiiP (607784)
- Evaluation Summary Report – project SiiP (607784)
- Initial Information on the outcome of the evaluation of proposals – project SiiP (607784)
- D9.4 SIIP Field Testing and End-User Training Final Report
- D10.7 SIIP\_ POC and Field tests- Summary movie