



EUROPEAN COMMISSION
DIRECTORATE-GENERAL INFORMATICS

The Acting Director-General

Brussels, Date as postmark
DIGIT.A.3.001

Mr Mathias Schindler
Bundestagsbüro Julia Reda, MdEP
Unter den Linden 50
DE-11011 Berlin

By email with acknowledgment of
receipt to:

[ask+request-8151-
d6b056ac@asktheeu.org](mailto:ask+request-8151-d6b056ac@asktheeu.org)

Subject: Your application for access to documents – GESTDEM 2020/3467

Dear Mr Schindler,

We refer to your email of 08 June 2020 in which you make a request for access to documents, registered on 08 June 2020 under the above-mentioned reference number.

You request access to all documents related to *“Palantir and its products and services, including*

- a) meeting records (drafts, memos, invitations, appointments, cancellations) involving Palantir officials and people representing Palantir and their interests;*
- b) correspondence (including within the [Authority name] and with the European institutions concerning Palantir technologies and / or its products and services or the regulatory environment of the EU that affects their products and services. This may include policy papers, consultation input, memoranda or any other form of information.*
- c) invoices, tenders, service agreements, purchases, orders, procurement documents, offers etc. concerning products and services using Palantir Technologies.”*

The following documents have been identified by DIGIT as falling within the scope of your application:

1. *Side II Survey (Ref. Ares(2018)2179884) - Export date: 23-04-2018 (Survey concluded by DIGIT for the participation of other EU Institutions, bodies, agencies and offices in the "SIDE II" procurement procedure, directed at concluding framework contracts with resellers of software products);*
2. *Product Pricelist provided by SAP Belgium N.V. to the EUIs in the context of the negotiated procedure DIGIT/R2/2014/013/SAP (Ref. Ares(2014)3891599 - 21/11/2014).*

The first document had surveyed the software needs of different EU Institutions, bodies, agencies and offices in preparation of a procurement procedure. The survey entry relevant to your request originates from an EU agency and more specifically, the European Union Agency for Law Enforcement Cooperation (EUROPOL).

The second document originates from SAP Belgium N.V.

Both the originators of the identified documents have been consulted, in accordance with Article 4(4) of Regulation (EC) No 1049/2001 ("Regulation").

1. Access to Side II Survey (Ares(2018)2179884)

Following an examination of the above document under the provisions of the Regulation and taking into account the opinion of the third party, I regret to inform you that access to such document cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4(3) of this Regulation.

Following consultation with EUROPOL, we have been informed that the document contains an opinion for internal use as part of deliberations and preliminary consultations within EUROPOL, in preparation of a procurement procedure. The disclosure of this opinion would undermine the decision-making process at EUROPOL, as it would reveal an assessment which is outdated.

We have considered whether partial access could be granted to the document requested. Nevertheless, the specific passage, which falls within the abovementioned exception, is the only passage of the document, which includes the word "*Palantir*". Therefore, its redaction would render the document out of the scope of your request.

The exception laid down in Article 4(3) of the Regulation apply unless there is an overriding public interest in disclosure of the document. DIGIT examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

2. Access to SAP Pricelist (Ares(2014)3891599 - 21/11/2014)

Having examined the aforementioned document requested under the provisions of the Regulation and taking into consideration the opinion of the third party, I have come to the conclusion that this document may only be partially disclosed.

The only part of the document which is relevant and falls within the scope of your request constitutes a line in the pricelist which includes the word "*Palantir*". The rest of the

information included in this document fall outside the scope of your request and has been blanked.

Also other parts of the (in scope) document have been blanked out, as their disclosure is prevented by the exception to the right of access laid down in Article 4(2) first indent of this Regulation.

According to Article 4(2) first indent of the Regulation 1049/2001 “*The institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property*”.

The aforementioned document includes information related to the prices of the products provided by SAP, which constitutes commercially sensitive information of SAP. The disclosure of such information would undermine SAP’s commercial interests, as putting this information in the public domain would affect its competitive position on the market.

The exceptions laid down in Article 4(2) of the Regulation apply unless there is an overriding public interest in disclosure of the document. DIGIT examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

After consultation with the SAP on the disclosure of the document, I would like to inform you that, according to SAP, there is no record that any EUI participating in the relevant framework contract has ever acquired the product indicated in the document via this framework contract. Furthermore, according to SAP, the partnership between SAP and Palantir Technologies Inc. has been terminated.

3. Means of redress

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: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e –signed)
Mário Campolargo

Enclosure: Pricelist provided by SAP to the EUIs in the context of the negotiated procedure DIGIT/R2/2014/013/SAP (commercially sensitive information redacted)