



EUROPEAN COMMISSION
RESEARCH EXECUTIVE AGENCY

Director

Brussels,
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Subject: Your confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001 – application for access to documents (ref. Ares(2020)909851)

Dear Mr Chelioudakis,

I refer to your email of 11 February 2020 registered by the Research Executive Agency (REA) on 12 February 2020 under reference number Ares(2020)909851. You request a review of the position taken by REA with regard to the initial request for access to documents, pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents ('Regulation 1049/2001')¹.

1. SCOPE OF YOUR REQUEST

On 9 December 2019, REA received your initial application for access to documents concerning three projects, which was registered on 10 December 2019 under reference number Ares(2019)7592203.

In your application, you requested:

"1. Documents on any pilot implementation of the project SPIRIT ("Scalable privacy preserving intelligence analysis for resolving identities") in Greece, as well as any publications on the use / development of tools related to face extraction and matching in Greece during the project. ([https://urldefense.com/v3/https://www.spirit-tools.com/index.php;!!DOxrgLBm!QFQyji1g6ZhVzLI-5BjOM4wTfRXXCasheFwo3aAF0LJsS-XcptXFFrh_zPx5nrc2gL2pJBhyxNO6\\$](https://urldefense.com/v3/https://www.spirit-tools.com/index.php;!!DOxrgLBm!QFQyji1g6ZhVzLI-5BjOM4wTfRXXCasheFwo3aAF0LJsS-XcptXFFrh_zPx5nrc2gL2pJBhyxNO6$))

¹ OJ L 145, 31.5.2001, p.43.

2. Documents on any pilot implementation of the project COPKIT in Greece, such as the demo of the COPKIT tools, which took place in Athens in November 2019 at the premises of the Center for Security Studies (KEMEA) a research center within the Hellenic Ministry of Citizen Protection.

([https://urldefense.com/v3/https://copkit.eu/;!!DOxrgLBm!QFQyji1g6ZhVzLI-5BjOM4wTfRXXCasheFwo3aAF0LJsS-XcptXFFrh_zPx5nrc2gL2pJDWzpMyF\\$](https://urldefense.com/v3/https://copkit.eu/;!!DOxrgLBm!QFQyji1g6ZhVzLI-5BjOM4wTfRXXCasheFwo3aAF0LJsS-XcptXFFrh_zPx5nrc2gL2pJDWzpMyF$))

3. Documentation related to the ANITA project ("Advanced tools for fighting oNline Illegal TrAfficking"), and documents on any possible pilot implementation of the project in Greece ([https://urldefense.com/v3/https://www.anita-project.eu/index.html;!!DOxrgLBm!QFQyji1g6ZhVzLI-5BjOM4wTfRXXCasheFwo3aAF0LJsS-XcptXFFrh_zPx5nrc2gL2pJNbYqXzd\\$](https://urldefense.com/v3/https://www.anita-project.eu/index.html;!!DOxrgLBm!QFQyji1g6ZhVzLI-5BjOM4wTfRXXCasheFwo3aAF0LJsS-XcptXFFrh_zPx5nrc2gL2pJNbYqXzd$)).

On 10 January 2020, REA informed you of the extension of the initial deadline of 15 working days by additional 15 working days, in accordance with Article 7(3) of the Regulation.

On 31 January 2020, REA replied to your initial request.²

In its letter, REA provided an inventory of the documents related to the request (Annex 1 of the reply), specifying for each document non-disclosed or partially disclosed the legal grounds on which REA based its decision.

In particular, for the project ANITA, based on the exceptions relating to the protection of the privacy and the integrity of the individual and/or the protection of commercial interests of a natural or legal person, laid down respectively in Articles 4(1)(b) and 4(2), first indent, of Regulation 1049/2001, REA has partially disclosed the following documents:

- The Grant Agreement;
- Annex 3 to the Grant Agreement - Accession Forms;
- The Pre-financing Payment Letter;
- The Project Monitoring Information Letter;
- The Invitation letter of the review meeting of 27/11/2019;
- The Project Review Consultation Response - PMOC-787061-1;
- Deliverable D1.4 - Best practices and guidelines for handling ANITA resources;
- Deliverable D12.2 - POPD – Requirement No. 3.

Moreover, REA has fully disclosed the following deliverables:

- D3.1 - European data protection framework and ethical requirements analysis;
- D11.1 - ANITA project Website;
- D11.3 - Report on Dissemination Activities 1st release.

The access to the other requested documents of the projects ANITA and to all requested documents of the project COPKIT was refused based on the exceptions of the protection of the privacy and the integrity of the individual, the protection of commercial interests of a natural or legal person and/or the protection of the institution's decision-making process, laid down in Articles 4(1)(b), 4(2), first indent, and 4(3) first paragraph of Regulation 1049/2001.

² Reference Ares(2020)620952.

Concerning the project SPIRIT, REA replied that at that stage of the project, it was not in the possession of any documents related to the pilot implementation.

On 12 February 2020, REA registered your confirmatory application, pursuant to Article 7(2) of Regulation 1049/2001.

Through your confirmatory application, you challenge the lack of information and documents related to the project “Scalable privacy preserving intelligence analysis for resolving identities” (grant agreement no 786993 - project acronym SPIRIT). While you consider acceptable the redaction of personal data, you challenge the non-disclosure of documents of the project SPIRIT to protect the commercial interests of a natural or legal person under Article 4(2), first indent, of Regulation 1049/2001 and you invoke the existence of an overriding public interest in disclosure for publicly funded projects.

Finally, you request information related to the SPIRIT project by posing several questions. *“Is SPIRIT using pilots in Greece to test the developed technologies, and what is exactly the role of the Hellenic Police in this consortium? Is the use of facial recognition technology and social media profiling by law enforcement authorities in a H2020 research project in compliance with the European law and what are the deliverables (legal and ethical analysis, for example) that deal with these aspects of the project? If pilots have not been implemented yet, are they scheduled for the future? Again, I underline the fact that the website of the project does not have any information on the envisaged work plan, so I cannot make my request specific, asking about access on a specific deliverable.”*

2. ASSESSMENT OF YOUR CONFIRMATORY APPLICATION

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 H2020 security research projects do not terminate with “development and deployment” of such ideas and technologies.

The results of H2020 security research project 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. H2020 security research projects achieve a Technology Readiness Level (TRL) between 6 – 8 (see General Annexes for the definition). 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.

When assessing a confirmatory application for access to documents, REA conducts a fresh review of the reply given at the initial stage in the light of the provisions of Regulation 1049/2001.

In your case, as stated in the REA reply to your initial application, I hereby confirm that REA is not in the possession of any documents that would fall in the scope of your request (i.e. *“Documents on any pilot implementation ... in Greece, as well as any publications on the use / development of tools related to face extraction and matching in Greece during the project.”*).

Regarding your questions about the project SPIRIT, I would like to stress the following:

- The SPIRIT project, which started on 1 August 2018 and will finish on 31 July 2021, aims to take up a holistic approach to identity resolution and to develop a semantically rich sense-making capability to facilitate cognitive tasks in the resolution of identity in full operational compliance with data and privacy protection as operationally assured through workflow-embedded data anonymization and privacy filtering techniques as required, whilst retaining maximum possible informative value of data that can be legally used. Thus, the SPIRIT’s objective is to provide capabilities to continuously initiate complex associative searches over all sources relevant to a current investigation, correlate information from multimedia data, reason over information with uncertainty, and structure and aggregate information into a unified view of the available evidence over a persisted, searchable knowledge base. The final goal is to empower the investigator to create a semantically rich picture over all the available evidence.
- For the construction of a so-called “Social Graph” which will enable the identity resolution, the project plans to research and tune a set of components for the analysis of retrievable content (e.g. through social media on the internet). One of these components will refer to the detection of reference objects and faces within image data and video frames. In this context, a multi-modal multimedia Privacy Filtering will be applied, among others in the form of the development of a privacy controller to protect the rights and privacy of citizens by the utilisation of complex filtering algorithms.
- Within the framework of the project, trial runs will be organised, including in Greece, involving end users and practitioners, such as law enforcement agencies, and other stakeholders, to assess the various aspects of performance of the system and the privacy and security implications in operational environment. The Hellenic Police / Border Unit, being a partner in the project consortium, is among these practitioners.
- Regarding the trial runs, on the basis of the information currently at the disposal of REA, the Hellenic Police (Border Unit) is being involved in trials runs between January and August 2020. Reports of trial runs and tests are expected in form of deliverables for April 2020 and January 2021 (cf. list of deliverables attached).
- The Hellenic Police (Border Unit) is involved in several tasks across the project activities, above all in the following areas:
 1. Iterative Requirements Engineering & Framework Architecture Specification (Requirements & Design);
 2. Training & Evaluation;
 3. Practical Demonstrations, Dissemination, IPR Management and Exploitation.

I would like to reassure you that the Commission and REA give highest priority to ethics and the respect of fundamental rights in EU funded research, which must comply with established ethical principles and applicable law. Particular attention is paid to privacy, human rights and protection of personal data. It should be noted that all the submitted H2020 proposals are evaluated both on their scientific merit as well as their ethical and social impact. In this context, the Ethics Appraisal Procedure, the process put in place to assess and address the ethical dimension of EU funded research under Horizon 2020, ensures that all research activities are conducted in compliance with fundamental ethical principles.

I therefore consider that the necessary guarantees have been put in place in order to ensure that H2020 projects are implemented under the most ethical conditions possible by participating entities.

Also, the SPIRIT report of Legal and Ethical Framework and Risk analysis is publicly accessible at the following link:

<https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5c972105b&appId=PPGMS>

Finally, I would like to underline that information related to your request for the project SPIRIT, including all public deliverables produced to date and approved by REA, is already publicly accessible in the Community Research and Development Information Service (CORDIS) under the following link: <https://cordis.europa.eu/project/id/786993/results>. Moreover, additional public deliverables of the project will be published on this site once they are finalised and approved. The next review process, as a result of which further deliverables are expected to be approved, is envisaged for autumn 2020.

3. CONCLUSION

In the light of the above, I confirm the decision of REA taken at the stage of the initial application. Considering the absence of documents falling in the scope of your request, there is no need to assess the existence of an overriding public interest in disclosure.

4. MEANS OF REDRESS

I draw your attention to the means of redress available against this decision of the Agency. You may, under the conditions of Article 263 TFEU, bring proceedings before the General Court of the European Union or, under the conditions of Article 228 TFEU, file a complaint with the European Ombudsman.

Yours sincerely,



Marc TACHELET

Enclosure: - List of deliverables for the project SPIRIT