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Mr Mathias Schindler

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Cologne

Subject: Your request on access to documents

Dear Mr Schindler,

I refer to your e-mail dated 8th June 2020, in which you submitted an initial application in accordance with Regulation (EC) 1049/2001¹.

You requested the following:

"[...]any information 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[...]"

After examining your request, EASA has informed you by e-mail dated 25th June that your request is very broad and relates to a large number of documents. Due to this wide-scope, EASA noted you that since a large number of files would need to be assessed individually in order to retrieve the requested information EASA would not be in a position to complete the handling of your application within the time limit of 15 working days provided under Regulation (EC) No 1049/2001. For this reason, EASA invited you to find a fair solution in accordance with Article 6(3) of Regulation (EC) No 1049/2001 and to specify the objective of your request, your specific interest in the requested documents, and to narrow down the scope of your request, so as to reduce it to a more manageable amount of documents.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 31 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31.3.2001, p. 43).

On 25th June you replied by e-mail and invited EASA to provide you with a list of documents or of categories of documents falling within the scope of your request in order to allow you to make a fair proposal.

In order to complete EASA's previous e-mail of 25th June, the Agency replied to you on the same date and informed you that it had identified mainly two categories of documents: i) Procurement related documents, and ii) Specific programme related documents which would require the Agency to look into 50 terra byte of data. EASA further explained you that without any additional clarifications on the scope of your request, the Agency would probably not be in a position to further process it. In order to allow you to further clarify your request and also allow the Agency to then assess it, EASA informed you that the deadline laid down by Regulation (EC) No 1049/2001 was extended by 15 working days.

On 29th June you replied by e-mail and you proposed EASA to provide you with a list of documents identified by the search "Palantir" and you would afterwards indicate which document you would like to have released.

On 10th July EASA informed you that in order to comply with your proposal of 29th June, EASA would have to create manually a new document, since this process was not available in an automated way. Your proposal would create an enormous quantity of work which is not in line with Regulation (EC) No 1049/2001 and related case law. EASA also reminded the need to narrow your request so as to reduce it to a more manageable amount of documents.

EASA never received your reply to the latter communication.

In view of the above, we regret to inform you that EASA is unable to further process your request.

Please note however that, as for the "Procurement related documents" category that we had suggested to you, the templates of the framework contracts and specific contracts to be signed with an awarded contractor are part of the tender specifications that are published on the website of the European Commission for *call for tenders from the European institutions*. The documents related to procurement procedure EASA.2017.HVP.05 which was awarded to Palantir Technologies (including tender specifications and contract templates), can be found under the following link: <https://www.easa.europa.eu/the-agency/procurement/calls-for-tender>. Please also see the contract award notice published on: <https://ted.europa.eu/udl?uri=TED:NOTICE:469962-2017:TEXT:EN:HTML>.

Means of redress

You are hereby notified that you have a right to request the Agency to reconsider its decision regarding the above mentioned documents by making a confirmatory application. In such case, you should send your justified confirmatory application in writing to the Executive Director of the Agency (Postfach 10 12 53, 50452 Cologne, Germany). Please note that you have 15 working days from receipt of this letter in which to make the confirmatory application. Any confirmatory application received beyond this deadline cannot be accepted.

Yours sincerely,

Stéphanie Rostren

