



Leonardo CERVERA NAVAS
Director

Mr SCHINDLER
by email only: ask+request-8120-86e0f313@asktheeu.org

Brussels, 14 July 2020
LCN/SP C 2020-0579
Please use edps@edps.europa.eu for all
correspondence

Subject: Your request for access to documents under Regulation (EC) 1049/2001

Dear Mr Schindler,

On 8 June 2020, you sent an access to documents request to the EDPS on the basis of Regulation (EC) 1049/2001, which was registered on the same day also mentioning the extension of the deadline in accordance with Article 7(3) of Regulation (EC) 1049/2001.

You request “for 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”.*

We are pleased to inform you that partial access is granted in line with your request with the exception of access to personal data in line with Article 4(1)(b) of Regulation (EC) 1049/2001 for the following documents:

1. Seven documents related to a meeting that took place on 5 June 2018: notes of the meeting, emails and a PowerPoint of the Palantir presentation
2. Two documents related to a training of an EDPS staff member at Palantir offices in May 2019
3. One document related to the data protection requirements of the Palantir contract (letter to Mr Drewer of 9/7/2018)

If you would like to request access to the redacted personal data please provide the EDPS with a legitimate justification or compelling argument to demonstrate the necessity for the personal data to be disclosed¹ (see below for information about the confirmatory application).

In addition with the exception of personal data in line with Article 4(1)(b) of Regulation (EC) 1049/2001, partial access is granted to some of these documents based on the following specific reasons:

- disclosure would undermine the protection of public interest as regards public security Article 4(1)(a)
- disclosure would undermine the protection of the purpose of inspections, investigations and audits Article 4(2)(3rd paragraph)

4. Four exchanges with Europol regarding compliance of the Europol Analysis System (EAS)
5. Three reports of EDPS inspections of Europol

Please be informed that transmission of the documents above to you may have to be done in parts, given the volume of some of the documents.

As the original versions of the document were printed double-sided, you may encounter some pages that are fully blank. This is normal, as they have been redacted in full. They are merely the flipside of pages that have information that is relevant to your request.

Please note that pursuant to Article 7(2) of Regulation 1049/2001, you may make a confirmatory application asking the EDPS to reconsider his position as regards to the refusal and partial refusal of your request. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the EDPS general e-mail: edps@edps.europa.eu.

Yours sincerely,



Leonardo CERVERA NAVAS
Director

¹ In accordance with Article 8(b) of Regulation 45/2001 (current Article 9 of Regulation 2018/1725) as interpreted by the Court of Justice in Case C-28/08 P Bavarian Lager.

Annex: 17 documents (zip file)

Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be aware that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of answering your request. The legal base for this processing operation is Regulation (EC) 1049/2001 and Article 52(4) of the Regulation (EU) 2018/1725. Subject to applicable rules under EU legislation, the personal data relating to you, as provided in your request, are used solely for the purpose of replying to your request. EDPS staff members dealing with the request will have access to the case file containing your personal data on a need-to-know basis. Your personal data are not disclosed outside the EDPS. Your personal data will be stored electronically for a maximum of ten years after the closure of the case, or as long as the EDPS is under a legal obligation to do so. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. You may contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data.