



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

The Director General

Brussels,

By registered letter with acknowledgment of receipt



Advance copy by e-mail :



Dear



Subject: Your application for access to documents – Ref GestDem No 2018/2079

We refer to your e-mail dated 12/04/2018 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You asked for access "to all documents related to contact between the Commission and the company Palantir in the domain of justice and home affairs".

This request was attributed to both my DG and to DG HOME as both DGs cover the domain of justice and home affairs. As you know, my DG was set up in July 2010 after the split of former DG JUSTICE, FREEDOM and SECURITY.

Your application concerns the following document: Mission Report: San Francisco and Silicon Valley (19-21 September 2017) which you will find attached.

Some parts of the document have been removed as they are out of the scope of your request.

The document to which you have requested access also contains personal data.

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 the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ¹.

¹ Official Journal L 8 of 12.1.2001, p. 1

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.²

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the documents requested in which these personal data have been redacted.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, 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
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Tiina ASTOLA

²Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055