



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

The Acting Director General

Brussels  
JUST.01.002 [redacted] Ares(2020) S2338273

***By registered letter with acknowledgment of receipt***



**Advance copy by email:**



**Subject: Your application for access to documents – GESTDEM 2020/2272 and GESTDEM 2020/2264**

Dear [redacted]

We refer to your e-mail dated 14/04/2020 in which you make a request for access to documents, registered on 16/04/2020 under the above mentioned reference number.

You request access to *all documents related to (a) contact between the Commission and Palantir and (b) documents in which the word Palantir is mentioned.*

You specified further, in your e-mail from 16/04/2020, that your request concerns documents created or received as of April 2018.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General.<sup>1</sup> You will receive the replies from the other respective Directorates-General in due course.

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<sup>1</sup> Your request initially submitted to the Secretariat-General has been re-attributed to the following Directorates-Generals and Commission Services with the following reference numbers: [redacted]

OUT OF SCOPE

This reply relates to the documents held by Directorate-General Justice and Consumers and Directorate-General for Human Resources and Security. The reason being that four of the six sets of documents falling within the scope of this request concern files of Directorate-General Justice and Consumers for which the workflow also covered Directorate General Human Resources.

I consider your request to cover documents held from 01/04/2018 to the date of your initial application, i.e. 16/04/2020.

The following documents fall within the scope of your application:

No	Title	Registration Number
1	Mission Report: San Francisco and Silicon Valley (19-21.9.2017); Commissioner Jourova	ARES(2018)2179792
2	Modelling the EU Economy as Ecosystem of Contracts – Volume 1 Feasibility Study, January 2020	ARES(2020)1525213
3	3 <sup>rd</sup> EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5510919 (3 documents)
4	3 <sup>rd</sup> EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5157242 (3 documents)
5	3 <sup>rd</sup> EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5534694 (6 documents)
6	3 <sup>rd</sup> EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5158967 (6 documents)

#### FULL DISCLOSURE

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that **document 2** may be fully disclosed. Please note that document 2 is also publicly available in the EU bookshop via this link: <https://op.europa.eu/s/n4zy>.

#### OUTSIDE OF THE SCOPE

Access is also given to **documents 1, 3-6**. As for document 1, parts of the document have been redacted, as they fall outside the scope of your request and do not concern Palantir in

OUT OF SCOPE

any way. Please note that all the passages concerning contacts with Palantir, mentioning the company or the software are fully disclosed.

To be noted that **document files 3-6** contain a number of documents which are the same. For the sake of completeness we kept them in the list. Please note that all documents covered by these 4 document files are integral parts of the respective document file in the Commission's internal document registration system and on that basis are provided for information. These documents are of administrative nature and required for the approval of the participation of Commission officials in the Conference organized by ERA. They are entirely out of scope of the request and have therefore been redacted, with the exception of the Agenda of the Conference.

## PROTECTION OF PERSONAL DATA

With regard to **document 1**, listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;

Article 9(1)(b) of the Data Protection Regulation<sup>2</sup> does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested document, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Please note that **document 2** is a study carried out by external experts which was made public. It does not reflect the position of the Commission. You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

As for **document 1** please note that this document was drawn up for internal use under the responsibility of the Cabinet of Vice-President Jourová, formerly in charge of Justice and Consumers in her position as Commissioner for Justice and Consumers. It solely

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<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

reflects the Cabinet's interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which was not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

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 Brussels  
or by email to: [sg-xxxxxxx@xx.xxxxxx.xx](mailto:sg-xxxxxxx@xx.xxxxxx.xx)

According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could **confirm receipt of the present e-mail by replying to (Functional Mailbox e-mail address).**

Your sincerely,

Salla SAASTAMOINEN

Enclosures: The six documents listed in this letter consisting of a number of documents, fully or redacted respectively in line with the explanations provided above.