



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

The Acting Director General

Brussels
JUST.01.002/ng/Ares(2021) 1325230

By registered letter with acknowledgment of receipt

Mr Mathias Schindler Bundestagsbüro Julia
Reda, MdEP Unter den Linden 50 11011
Berlin Germany

Advance copy by email: ask+request-8163-080b8594@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2020/3562

Dear Mr Schindler,

We refer to your e-mail of 08/06/2020 in which you make a request for access to documents, registered on 10/06//2020 under the above mentioned reference number.

We sent you a holding reply on 01/07/2020 as well as another email on 06/08/2020 informing you that you shall receive our response in due course.

We sincerely apologise for the delay.

You request access to “...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.

Since you sent the same request to a number of Directorates-General, this reply relates only to the documents held by Directorate-General Justice and Consumers and Directorate-General Human Resources and Security. I consider your request to cover documents held up from 1 July 2010 (the day on which DG Justice was set up) to the date of your initial application, i.e. 8 June 2020.

The following documents fall within the scope of your application:

No	Title	Registration Number
1	Mail to Comissioner Reding on large scale European ICT strategy, 28.1.2014	ARES(2014)199523
	Annex to the mail: letter to Commissioner Reding on large scale European ICT strategy, 21.1.2014	
2	Email from Websummit to Commissioner Reding inviting to speak, 3.9.2013	ARES(2013)2986793
3	Email to member of Cabinet Jourova to participate in the CPDP 2015	ARES(2014)3900799
	Annex to the email: programme of the CPDP 2015	
4	Letter from DG Justice and Consumers in response to a request for access to documents (Gestdem 2018/2079), 4.5.2018	ARES(2018)2294780
	(attachment = the same as document 6)	
5	Email to CAB Jourova Contact, Article from the Guardian “The great British Brexit Robbery”, 7.5.2017	ARES (2018)669494
6	Mission Report: San Francisco and Silicon Valley (19-21.9.2017); Commissioner Jourova	ARES(2018)2179792
	(= attachment to document 4)	
7	Modelling the EU Economy as Ecosystem of Contracts – Volume 1 Feasability Study, January 2020	ARES(2020)1525213
8	3 rd EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5510919 (3 documents)
9	3 rd EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5157242 (3 documents)
10	3 rd EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5534694 (6 documents)
11	3 rd EDEN Conference on Data Protection (ERA) 19-20.9.2019	ARES(2019)5158967 (6 documents)

12 Letter from DG Justice and Consumers in response
to a request for access to documents (Gestdem
2020/2272), 19.6.2020 ARES(2020)3194755

(attachments = the same as documents 6-11)

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 7** 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 5, 6, 8-11, 12**.

Parts of these documents have been redacted, as they fall outside the scope of your request and do not concern Palantir in 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 8-11** 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 **documents 1, 2, 3, 4, 5, 6, 12** 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;
- the names of third parties;

Article 9(1)(b) of the Data Protection Regulation¹ 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

¹ 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.

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 7** 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 6** 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 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 relation to **document 4** we want to point out that the attachment is the same document as Annex 6.

In relation to **document 12**, we want to point out that the attachments are the same as Annexes 6-11.

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-acc-doc@ec.europa.eu

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 Just-Acces-Documents@ec.europa.eu.**

Your sincerely,

Salla SAASTAMOINEN

Enclosures