



EUROPEAN DATA
PROTECTION SUPERVISOR

HIELKE HIJMANS
HEAD OF UNIT

Mr Philip CONNOLLY

By e-mail: ask+request-1264-73402341@asktheeu.org

Brussels, 9 April 2014

HH/ABU/EJT/mk D(2014)0873 C2014-0333

Subject: Your request for access to documents of 18 March 2014 (our ref. 2014-0333)

Dear Mr Connolly,

I refer to your access to documents request which was registered at the EDPS on 18 March 2014.

The request concerns *“all communications between the EDPS (its board, president or staff) and the Irish data protection commissioner between January 1 2013, and January 31 2014, inclusive”*.

After thorough examination of our case files, we have identified several documents corresponding to your request which are listed below.

Some of those documents originated from third parties. We have consulted the persons and the institution concerned in accordance with Article 4(4) of Regulation 1049/2001¹. This was done with a view to assess whether any of the exceptions in Article 4(1) or Article 4(2) would be applicable.

We are glad to inform you that we have decided to grant you partial access to the following documents:

- An email of 26.04.2013 from the Irish Data Protection Commissioner (Annex 1);
- An email of 10.06.2013 from the EDPS. It contains a letter addressed to the Irish Data Protection Commissioner and an EDPS Opinion (Annex 2 in three parts);
- An email of 11.01.2013 from the EDPS to the Irish Data Protection Commissioner (Annex 3);
- An email of 4.03.2009 from the Irish Data Protection Commissioner (Annex 4).

¹ Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

Pursuant to articles 4(6) and 4(1)(b) of Regulation 1049/2001, personal data have been redacted from the documents.

We regret to inform you that we have decided to refuse access to one document falling within the scope of your request: an exchange of emails of 31.10.2013 concerning an audit conducted at present by the Irish Data Protection Commissioner. The refusal to grant access to this document is based on Article 4(2) third indent of Regulation 1049/2001. According to this provision, access to a document is refused where disclosure would undermine the purpose of an on-going audit.

We would also like to inform you that we have identified other exchanges of emails and documents between the EDPS and national Data Protection Authorities - including the Irish Data Protection Commissioner – which took place in the relevant period in the context of the work being carried out by different working groups, namely: the Article 29 Data Protection Working Party, as well as the Supervision Coordination Groups for large-scale IT systems Eurodac, SISII (the Schengen Information System), VIS (the Visa Information System), CIS (the Customs Information System) and IMI (the Internal Market Information system). These exchanges are not bilateral exchanges between EDPS (and/or its staff) and the Irish Data Protection Commissioner. For this reason, we have considered they fall out of the scope of your request. However, should you be interested in those exchanges as well, we would invite you to address your request to the Secretariats of the respective working groups:

- For the Article 29 Working Party:

E-mail address: just-article29wp-sec@ec.europa.eu

Postal address:

European Commission
Directorate-General Justice
Data Protection Unit
B - 1049 Brussels

For more information about the Article 29 Working Party please refer to:
http://ec.europa.eu/justice/contact/index_en.htm

- For the Supervision Coordination Groups:

Email addresses:

On Customs Information System: EDPS-CIS@edps.europa.eu

On Eurodac: eurodac@edps.europa.eu

On Schengen Information System II: EDPS-sis@edps.europa.eu

On Visa Information System: EDPS-VIS@edps.europa.eu

On Internal Market Information System: imi@edps.europa.eu

Postal address:

European Data Protection Supervisor (EDPS)
Rue Wiertz 60, B-1047, Brussels

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 the total or partial refusal of your request. Such 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,

A handwritten signature in dark ink, appearing to read 'Hielke', followed by a horizontal line.

Hielke HIJMANS