

To: Samuel Stolton - ask+request-13040-a0e3cd14@asktheeu.org

Brussels, 25 July 2023

Subject: Your application for access to documents – Ref No 2023-25

Dear Mr Stolton,

We refer to your message dated 26/05/2023 in which you made a request for access to documents. Due to an internal restructuration that led to an unfortunate oversight of your e-mail, your request was registered on 07/07/2023. The deadline to reply is therefore 28/07/2023.

After a further written exchange aiming at clarifying the scope of your request, we have considered that its scope concerns *“any document referring to Tesla's data protection practices.”*

Assessment

We have identified 3 documents in the scope of your request.

To facilitate our assessment and your consultation of the files, the titles of the files have been adequately numbered. We will refer to the numbers of each single file in our assessment below.

We have conducted the following assessment in light of Regulation 1049/2001 regarding public access to documents and the relevant case law of the Court of Justice of the European Union (CJEU):

1. Full disclosure

We have identified 2 documents that fall partially within the scope and are publicly available. Therefore, the following documents can be fully disclosed as they are published online:

Documents: 1,2

Please note that both documents can be downloaded under the following links:

1) Tesla comments on EDPB Guidelines 1/2020 on processing personal data in the context of connected vehicles and mobility related applications:

https://edpb.europa.eu/sites/default/files/webform/public_consultation_reply/tesla_comments_edpb_guidelines_30apr2020_0_0.pdf

2) Lower Saxony AnnualReport 2022- Tätigkeitsbericht 2022:

<https://lfd.niedersachsen.de/startseite/infotehk/tatigkeitsberichte/2022/28-tatigkeitsbericht-2022-223047.html>

2. Partial disclosure

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, alongside the scope of your request, I have come to the conclusion that full disclosure of Document 3 cannot be granted for the following reason: some information in the document falls outside the scope of your request and has therefore been redacted. With regard to the information falling within the scope of your request, please note that full disclosure has been granted.

Please note that Document 3 represents an internal comparative summary of the information provided by Tesla (document 1) and other stakeholders in the context of public consultations on EDPB Guidelines 1/2020 on processing personal data in the context of connected vehicles and mobility related applications

Disclaimer

You may reuse the documents requested free of charge 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 document/documents. Please note that neither the EDPB, nor its Secretariat assume liability stemming from the reuse.

Means of redress

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the European Data Protection Board to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the following email address: edpb@edpb.europa.eu. Please make reference to the case number of your request in the subject.

Yours faithfully,



Irene Loizidou-Nicolaidou
Vice-Chair of the EDPB