

Executive Director

Mr Friedrich Lindenberg

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By e-mail

Tallinn, 25 March 2020

Subject: Reply to your request for access to documents No 4/2020 – Part 1

Dear Mr Lindenberg,

With your application for access to documents dated 10 March 2020 (Annex 1), registered on 11 March 2020 under the reference number 4/2020 (Annex 2), you requested access to the following information:

- *Any documents describing the operational environment (servers, operating systems, software, infrastructure) used to operate the Schengen Information System prior to the exit of the UK from the European Union;*
- *Any documents as above, regarding the period after the exit of the UK from the European Union;*
- *Any documents describing the technical structure of the data stored in the SIS, such as entity relationship diagrams, database schema definitions etc.*

Furthermore, you requested access to *any postal or email communications between LISA and the UK government related to the SIS and the exit of the UK from the European Union, any communication between LISA and any IT service providers (privately owned or otherwise) regarding the same topic, and any communication between LISA and the DG HOME regarding the same topic.*

On 13 March 2020, the Agency informed you that your request was very generic and, in accordance with Article 6(2) of the Regulation (EC) No 1049/2001, the Agency invited you to clarify the scope of your request and to provide more detailed information on the document(s) which you would like to have access to (Annex 3).

On 16 March 2020, you have clarified your request (Annex 4), requesting access to the following information on the more general operational parameters of SIS: *the current interface control documents (ICD) for SISII, where 'Interface Control Document' is defined for example in the "Report on the technical functioning of central SIS II 2017-2018", and the User Requirements Document (URD), also mentioned in the same report p.9. In addition, you maintained the following aspects of your request: any postal or email communications between LISA and the UK government or any UK-based companies related to the SIS and the exit of the UK from the European Union, and any communication between LISA and the DG HOME regarding the same topic.*

Following your clarification, the Agency has decided to divide your request into two (2) parts, namely:

- Part 1: *"the current interface control documents (ICD) for SISII, where 'Interface Control Document' is defined for example in the "Report on the technical functioning of central SIS II 2017-2018", and the "User Requirements Document (URD), also mentioned in the same report p.9" (hereinafter referred to as "general operational parameters of SIS")*;
- Part 2: *"any postal or email communications between LISA and the UK government or any UK-based companies related to the SIS and the exit of the UK from the European Union, and any communication between LISA and the DG HOME regarding the same topic"* (hereinafter referred to as "communications").

On 23 March 2020, the Agency informed you that it was processing the part 1 of your request related to the general operational parameters of SIS. However, the Agency considered that the part 2 of your request related to communications was still very generic and, the Agency, on the same day (23 March 2020), invited you to further clarify the scope of your request and to provide more detailed information on the document(s) which you would like to have access to (Annex 5).

Your request were assessed in light of the principles and conditions defined by the Regulation (EC) No 1049/2001¹ and the relevant case-law.

Decision

- **Part 1: general operational parameters of SIS**

Regarding the part 1 of your request related to the general operational parameters of SIS, the Agency has identified the documents which fall within the scope of your request, namely the Interface Control Document (ICD) and the User Requirements Document (URD).

Following a thorough examination of the documents, the Agency has decided to refuse to grant you access to the documents in question, as disclosure is prevented by the exceptions laid down in Article 4 of the Regulation (EC) No 1049/2001.

Article 4(1)(a) first indent of the Regulation (EC) No 1049/2001 provides that *"the institutions shall refuse access to a document where disclosure would undermine the protection of (...) the public interest as regards (...) public security"*.

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

The Interface Control Document (ICD) is a document that is aimed at defining in detail the interface between the Central Domain and each National System. It gathers the technical specifications of the system-to-system interactions. The document primarily focuses on describing the sessions, the physical transportation mechanisms, the logical structure and the content of the messages. It is also aimed at helping the Users to implement their National System regarding issues like error management.

The ICD is part of the overall System Specification and describes the relationship between the central component and the national components of the system in terms of data items and messages passed, protocols used and timing and sequencing of events."

In practice, the ICD and the Detailed Technical Specifications (DTS) are core design documents which document and reveal the internal working, data structures and processes of the systems, and business processes at the Member States level. The same logic applies to the User Requirements Document.

The release of these documents to the public reveals technical information about the systems which would aid an adversary in obtaining detailed reconnaissance profile of the data structures and internal operations which could facilitate malicious actions to disrupt or tamper with the confidentiality, integrity and availability of the information, which could result in a data breach of the personal data handled by the system.

Therefore, the disclosure of these documents would undermine the protection of the public interest as regards **public security**, in accordance with Article 4(1)(a) first indent of the Regulation (EC) No 1049/2001.

No overriding public interest in disclosure

The exception laid down in Article 4(1)(a) of the Regulation (EC) No 1049/2001 do not need to be balanced against any possible overriding public interest in disclosure.

- **Part 2: communications**

In relation to point 2 of the request, the Agency would like to inform you that it is currently waiting for a reply to the 2nd clarification message sent to you on 23 March 2020.

Therefore, the Agency will provide to you a reply to part 2 as soon as it receives a clarification of your request.

Appeal/ legal redress

Kindly note that you may file a confirmatory application within 15 (fifteen) working days of receiving this letter.

Yours sincerely,

Krum GARKOV
Executive Director

Annexes:

- Annex 1: Your request for access to documents;
- Annex 2: Acknowledgment of your request;
- Annex 3: Clarification message;
- Annex 4: Your reply to the clarification message;
- Annex 5: 2nd clarification message.