To: Heiko Roth - ask+request-10507-c6115ae5@asktheeu.org

Brussels, 8 February 2022

Subject: Case 2022-05 - Your application for access to documents

Dear Mr. Roth,

We refer to your e-mail dated 12/01/2022 in which you make a request for access to documents, registered on 18/01/2022 under reference number 2022/05. The deadline to reply is therefore 8/02/2022.

You requested access to documents containing the following information with regard to the legal study on government access in third countries, which was recently published on the EDPB website[1]:

"1) the anonymized interview results of the eight interviewees (e.g. in the form of questionnaires, telephone transcripts), each with concrete reference to the questions as referenced in the Annex 1 to the Final Report.

2) the comparison between the interview results and the "desktop research" (e.g. in form of mapping tables), also anonymized."

Having conducted this assessment, we regret to inform you that the European Data Protection Board (EDPB) does not hold any documents containing the information referred to above, as the interviews were carried out via the external contractor which was commissioned for carrying out this study.

Please note that in accordance with Article 2(3) of Regulation (EC) No 1049/2001, the right of access under this regulation applies only to existing documents in the possession of the EDPB. Therefore, the EDPB is not in a position to fulfil your request.

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 sincerely,

Ventsislav Karadjov

Vice-Chair of the EDPB

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[1] https://edpb.europa.eu/our-work-tools/our-documents/legal-study-external-provider/legal-study-government-access-data-third_en