



Council of the European Union

General Secretariat

Directorate-General Communication and Information - COMM

Directorate Information and Outreach

Information Services Unit / Transparency

Head of Unit

Brussels, 15 March 2022

Mr Heiko Roth

Email: ask+request-10571-03cd2dd1@asktheeu.org

Ref. 22/0273-mj-lk/vk

Request made on: 20.01.2022

Deadline extension: 10.02.2022

Dear Mr Roth,

Thank you for your request for access to *“documents which contain the following information:*

1) Indication of whether, which and for what purpose personal data processing services / software of organizations (e.g., as processor / data importer) located outside the EU/EEA are used acutally by the European Council.

2) Indication of whether, which and for what purpose such personal data processing services of organizations located within the EU/EEA, but with subcontractors outside the EU/EEA, are actually used by the European Council.

3) Per individual of these services with the aforementioned third country references:

a) I request an indication as to whether and which transfers pursuant to Art. 44 et seq. GDPR are triggered by the use of these services.

b) I ask for all contracts concluded with the providers of these services in this respect, which are necessary under data protection law, or for a missing indication if there are no such contracts. In particular, namely: contract for commissioned processing according to Art. 28 DSGVO as well as standard data protection clauses according to Art. 46 GDPR.

c) I request the provision of the documented "Transfer Impact Assessment" required according to clause 14 of the current standard data protection clause sets of the EU Commission or the documented "Transfer Impact Assessment" required according to Art. 46 (1) GDPR in conjunction with the principles from ECJ judgment "Schrems II" regarding the data transfers associated with the use of such services.

It should be possible to find the above information without major effort, in particular by means of corresponding information and links in the official processing directory pursuant to Art. 30 GDPR”.

The General Secretariat of the Council - acting as secretariat for the European Council pursuant to Article 235(4) of the Treaty on the Functioning of the European Union - has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions of the European Council's Rules of Procedure (European Council Decision No 2009/882/EU, OJ L 315, 2.12.2009, p. 51) set out in Article 10(2), which makes Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35) applicable *mutatis mutandis*.

As this request is the same as the one you addressed to the Council of the European Union on 13 January 2022 (registered under the reference 22/0190), please refer to the reply that was sent to you concerning this latter request.

Yours sincerely,

Fernando FLORINDO