



EUROPEAN DATA PROTECTION SUPERVISOR

LEONARDO CERVERA NAVAS
SECRETARY-GENERAL

Ms Chloé BERTHÉLÉMY
by email only: [ask+request-13189-
f34a5452@asktheeu.org](mailto:ask+request-13189-f34a5452@asktheeu.org)

Brussels, 04 July 2023
LCN/tt/vd D(2023) 2034 C 2023-0708
Please use edps@edps.europa.eu for all
correspondence

Subject: Your request for access to documents under Regulation (EC) 1049/2001¹

Dear Ms Berthélémy,

On 24.06.2023, you sent an access to documents request to the European Data Protection Supervisor (“EDPS”) based on Regulation (EC) No 1049/2001. On 26.06.2023, we sent you an acknowledgement of receipt for your request also mentioning the deadline in accordance with Article 7(1) of Regulation (EC) 1049/2001.

Your request for access to documents concerns:

- “ *the assessment by the European Data Protection Supervisor (EDPS) of the PERCI (Plateforme Européenne de Retraits de Contenus Illégaux sur Internet) project developed by the EU's law enforcement agency, Europol.*
- *if separate, the opinion of the EDPS related to this project..”*

The EDPS has identified the following document falling within the scope of your request:

	DOC ID	DATE	NAME	SUBJECT
1	COO.6515.100.2.460028	27/06/2022	22-06-27 EDPS Opinion - 2022-0284 (e-signed)	22-06-27 EDPS Opinion - 2022-0284 (e-signed)

The EDPS has examined specifically the document in order to assess whether disclosure was possible. Following this assessment, we concluded that more than one exception of those listed in Article 4 of Regulation (EC) 1049/2001 apply to the document in scope.

The EDPS has concluded that Article 4(1) (a), first indent, of Regulation (EC) 1049/2001 (“**protection of the public interest as regards public security**”) applies to parts of the document requested. Specifically, the document relates to a security analysis incl. descriptive analysis of data collection

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 L145/43

processes, applications description, applicable security controls and information security protocols. Following the EDPS's assessment, we have concluded that making public this information will expose possible system's and processes vulnerabilities and thus put at risk the operational security and the implementation of ongoing and future EUROPOL's operations. It will also facilitate cyberattacks on the security of EUROPOL's ITC systems.

Consequently, we have redacted the following parts of the document:

- Section 2.2. Detailed description of PERCI data flow (pages 6-8) - containing information on applications description, applicable security controls and information security protocols.
- Section 2.3. Software development and testing (pages `8-9) - containing descriptive analysis of data collection processes, applications description, applicable security controls and information security protocols

Based on the above analysis, the EDPS has decided to provide you with partial access to the above listed document, which you will find redacted attached to this letter.

Remedies

Please note that pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may submit a confirmatory application asking the EDPS to reconsider his position as regards the total or partial refusal of your request. Such a confirmatory application should be submitted within 15 working days upon receipt of this letter to the EDPS general e-mail: edps@edps.europa.eu.

Yours sincerely,



Leonardo CERVERA NAVAS

Leonardo CERVERA NAVAS
Secretary-General

Annexes: 1 document

Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 (the Regulation) on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, we are processing your personal data, where proportionate and necessary, for the purpose of answering your request. The legal base for this processing operation is Regulation (EC) 1049/2001 and Article 52(4) of the Regulation (EU) 2018/1725. Subject to applicable rules under EU legislation, the personal data relating to you, as provided in your request as well as personal data that might be collected while processing your request, are used solely for the purpose of replying to your request. EDPS staff members dealing with the request will have access to the case file containing your personal data on a need-to-know basis. All access to case files is logged. Your personal data are not disclosed outside the EDPS. Your personal data will be stored electronically for a maximum of ten years after the closure of the case, or as long as the EDPS is under a legal obligation to do so. You have the right to access your personal data held by the EDPS and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. We will consider your request, take a decision and communicate it to you. For more information, please see Articles 14 to 21, 23 and 24 of the Regulation. Please note that in some cases restrictions under Article 25 of the Regulation may apply. Any request to exercise your rights should be addressed to the EDPS at edps@edps.europa.eu. You may contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You have the right to lodge a complaint with the EDPS, as supervisory authority. Any such request should be addressed to the EDPS at edps@edps.europa.eu. You can reach the EDPS in the following ways: E-mail: edps@edps.europa.eu; EDPS postal address: European Data Protection Supervisor, Rue Wiertz 60, B-1047 Brussels, Belgium. For more information, please refer to the extended version of the data protection notice available on the EDPS website: https://edps.europa.eu/data-protection/our-work/publications/other-documents/requests-access-documents_en.