



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
JOINT RESEARCH CENTRE
Unit I.3
Text and data mining

Mr R. Coluccini
Contrada Fontangela 19/B
62010 Pollenza (MC)
Italy

By registered letter with acknowledgment of receipt

Advance copy by email

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2018/4138

We refer to your request dated 25/07/2018 in which you make a request for access to documents, registered on 30/07/2018 under the above mentioned reference number.

You request:

"1. the number and details of all the license agreements signed with public authorities of EU Member states for the use of the EMM Open Source Intelligence Suite (<https://wiki.emm4u.eu/confluence/plugins/servlet/mobile#content/view/43941954>)

2. any documents, slides, and presentations regarding the EMM Open Source Intelligence Suite

3. any privacy impact assessment of the EMM Open Source Intelligence Suite

4. In addition, I am requesting all information related to the creation, assignment, preparation and implementation of the EMM Open Source Intelligence Suite. This may include emails, notes, presentations, files, letters and memos sent to and from the JRC.

I request all the aforementioned documents in electronic format."

We identified 69 documents that come under the scope of your request. A list of them is attached.

On question 1

Please find enclosed a list of public authorities of EU Member States with which the European Commission has concluded license agreements for the use of the EMM Suite. I also attach a template of these agreements. The agreements concluded are identical to this template.

On question 2

We identified a number of slides, presentations and other meeting documents relating to the EMM. We are pleased to provide you with copies of those.

These documents contain personal data, in particular the names of the staff involved in the meetings or in the drafting of the documents.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the document requested in which these personal data have been redacted.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

On question 3

We have not made a privacy impact assessment on the EMM Open Source Intelligence Suite.

On question 4

We identified a number of documents. These concern in particular the Administrative Arrangements between the JRC and DG HOME on the basis of which the JRC developed the Suite and their deliverables. A manual on how to use the EMM is included. We also include mission reports from Commission officials relating to meetings and other reports concerning the Suite.

These documents contain personal data, in particular the names of the staff involved in the drafting of the documents.

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data³.

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Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/288
B-1049 Bruxelles or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Matthew KING
Head of Unit

Annex: list of documents

³ Official Journal L 8 of 12.1.2001, p. 1

⁴ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.