



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,  
HOME/A4/

***By registered letter with  
acknowledgment of receipt***

European Parliament

***Advance copy by email:***

[\[redacted\]@europarl.europa.eu](mailto: [redacted]@europarl.europa.eu)

**Subject: Your application for access to documents – GESTDEM 2020/2196**

Dear [redacted],

We refer to your e-mail dated 14 April 2020, in which you make a request for access to documents, registered on 16 April 2020 under the above mentioned reference number.

You request access to *all documents related to (a) contact between the Commission and Palantir and (b) documents in which the word Palantir is mentioned.*

You have specified further, in your e-mail from 16 April, that your request concerns documents created or received as of April 2018.

Please note that due to the wide scope of your request, covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General.<sup>1</sup> This reply relates only to the documents held by Directorate-General for Migration and Home Affairs. You will receive the replies from the other respective Directorates-General in due course.

I consider your request to cover documents held up from 1 April 2018 to the date of your initial application, i.e. 16 April 2020. In the course of our enquiry, DG HOME has

---

<sup>1</sup> Your request initially submitted to the Secretariat-General has been re-attributed to these Directorates-Generals and Commission Services with the following reference numbers: GESTDEM 2020/2196: DG HOME; GESTDEM 2020/2261: SG E.1; GESTDEM 2020/2262: SG A.4; GESTDEM 2020/2264: HR; GESTDEM 2020/2266: DG ECFIN; GESTDEM 2020/2267: DG DEFIS; GESTDEM 2020/2268: DG CNECT; GESTDEM 2020/2269: DG COMP; GESTDEM 2020/2270: DG NEAR; GESTDEM 2020/2271: DG DIGIT; GESTDEM 2020/2272: DG JUST; GESTDEM 2020/2273: DG TAXUD

additionally identified two documents created on 20 April 2020, which we have included in our reply (documents no. 12 and 13).

The following documents fall within the scope of your application:

No.	Title	Registration No.
1.	Mission report from EU CTC visit to Washington D.C. on 21-22 March 2019	Ares(2019)2404952
2.	ACTION PLAN to remedy the deficiencies identified in the 2017 evaluation of NORWAY on the application of the Schengen acquis in the field of Police cooperation	Ares(2019)2671331
3.	Proposal for a COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of the Kingdom of Norway on the application of the Schengen acquis in the field of police cooperation <sup>2</sup>	Ares(2018)3940472
4.	Report Europol Management Board - 3 October	Ares(2018)5164050
5.	Application for access to documents – ref. GestDem n°2018/2078 – Initial reply - devoid of purpose	Ares(2018)2302568
6.	Parliamentary question [E-173/20] on the use of Palantir software <sup>3</sup>	Ares(2020)1119625
7.	Security Scrutiny Results 2019	Ares(2019)7640426
8.	Request for access to documents - 2019/3200 (theCamp) – Initial reply – Programme	Ares(2019)4504757
9.	Capability Gaps and requirements identified by the International Forum to Advance First Responder Innovation (IFAFRI) – Gap 4 – Appendix B	Ares(2018)5157617
10.	Mission report - Europol Round Table on NCMEC referrals - 5 June 2018	Ares(2018)3407038
11.	H2020 - Evaluation Summary Report – Palantir	Ares(2019)7640426
12.	COMMISSION IMPLEMENTING DECISION of 30.4.2020 on the award of grants under Horizon 2020 - Framework Programme for Research and Innovation (2014-2020) and the Master call H2020-SU-DS-2018-2019-2020; deadline model H2020-SU-DS-2019	C(2020) 2974 final
13.	Annex to COMMISSION IMPLEMENTING DECISION of 30.4.2020 on the award of grants under Horizon 2020 - Framework Programme for Research and Innovation (2014-2020) and the Master call H2020-SU-DS-2018-2019-2020; deadline model H2020-SU-DS-2019	C(2020) 2531 final

<sup>2</sup> Please note that the implementing decision was adopted by the Council and is available online: <http://data.consilium.europa.eu/doc/document/ST-12290-2018-INIT/en/pdf>

<sup>3</sup> Also available on European Parliament's website: [https://www.europarl.europa.eu/doceo/document/E-9-2020-000173\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2020-000173_EN.html)

14. Reply to PQ [E-2894/18] on Europol's use of facial recognition technology<sup>4</sup> Ares(2018)3525417

FULL DISCLOSURE

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that documents 3, 5, 6, 8, 9, 11, 12, 13 and 14 may be fully disclosed. In relation to document no 6 (parliamentary question E-173/20) please be informed that Commission's reply is being prepared and will hopefully be adopted and transmitted to the European Parliament in the coming days. It will then also become publicly available on the Parliament's web site,

Access is also given to documents 1, 2, 4 and 10. Some parts of these documents have been redacted, as they fall outside the scope of your request and do not concern Palantir in any way. Please note that all the passages concerning contacts with Palantir, mentioning the company or the software are fully disclosed.

PROTECTION OF PERSONAL DATA

With regard to documents 1, 4, 7 and 10 listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;

Article 9(1)(b) of the Data Protection Regulation<sup>5</sup> does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

---

<sup>4</sup> Also available on European Parliament's website: [https://www.europarl.europa.eu/doceo/document/E-8-2018-002894\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-8-2018-002894_EN.html)

<sup>5</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

## PARTIAL DISCLOSURE

Having examined document no 7, I have come to the conclusion that it may be partially disclosed. Full disclosure is prevented by an exception to the right of access laid down in Article 4 of this Regulation.

Some parts of document no 7 have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4(3) of the Regulation 1049/2001.

The redacted parts of the document contain internal consultation in an ongoing grant award procedure. In case of ongoing procurement or grant award procedures, access to the procurement and grant award documents must be refused if their disclosure would seriously undermine the ongoing decision-making process because of likely undue external pressure. This will normally be the case for documents reflecting individual opinions of the evaluation committee, of individual external experts, of external assessors in case of grants, or of the evaluation committee as such before the contract is signed.

Disclosure of these parts of the document would undermine the protection of the institution's decision-making process as the contract has not been signed yet and there could be a risk of undue pressure from the public. Therefore, the exception laid down in Article 4(3) of Regulation (EC) No 1049/2001 applies to this document.

The exceptions laid down in 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Brussels

or by email to: [sg-xxxxxxx@xx.xxxxxx.xx](mailto:sg-xxxxxxx@xx.xxxxxx.xx)

Yours faithfully,

Monique PARIAT

[e-signed]

Annex(es):

1. Mission report from EU CTC visit to Washington D.C. on 21-22 March 2019 Ares(2019)2404952
2. ACTION PLAN to remedy the deficiencies identified in the 2017 evaluation of NORWAY on the application of the Schengen acquis in the field of Police cooperation Ares(2019)2671331
3. Proposal for a COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of the Kingdom of Norway on the application of the Schengen acquis in the field of police cooperation Ares(2018)3940472
4. Report Europol Management Board - 3 October Ares(2018)5164050
5. Application for access to documents – ref. GestDem n°2018/2078 – Initial reply - devoid of purpose Ares(2018)2302568
6. Reply to PQ [E-173/20] on the use of Palantir software<sup>6</sup> Ares(2020)1412813
7. Security Scrutiny Results 2019 Ares(2019)7640426
8. Request for access to documents - 2019/3200 (theCamp) – Initial reply – Programme Ares(2019)4504757
9. Capability Gaps and requirements identified by the International Forum to Advance First Responder Innovation (IFAFRI) – Gap 4 – Appendix B Ares(2018)5157617
10. Mission report - Europol Round Table on NCMEC referrals - 5 June 2018 Ares(2018)3407038
11. H2020 - Evaluation Summary Report – Palantir Ares(2019)7640426
12. COMMISSION IMPLEMENTING DECISION of 30.4.2020 on the award of grants under Horizon 2020 - Framework Programme for Research and Innovation (2014-2020) and the Master call H2020-SU-DS-2018-2019-2020; deadline model H2020-SU-DS-2019 C(2020) 2974 final
13. Annex to COMMISSION IMPLEMENTING DECISION of 30.4.2020 on the award of grants under Horizon 2020 - Framework Programme for Research and Innovation (2014-2020) and the Master call H2020-SU-DS-2018-2019-2020; deadline model H2020-SU-DS-2019 C(2020) 2531 final
14. Reply to PQ [E-2894/18] on Europol's use of facial recognition technology<sup>7</sup> Ares(2018)3525417

---

<sup>6</sup> Also available on European Parliament's website: [https://www.europarl.europa.eu/doceo/document/E-9-2020-000173\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2020-000173_EN.html)

<sup>7</sup> Also available on European Parliament's website: [https://www.europarl.europa.eu/doceo/document/E-8-2018-002894\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-8-2018-002894_EN.html)