

Brussels, 10 June 2020

Dear President Von der Leyen,
Dear Vice-President Schinas,
dear Commissioner Johansson,

On 4 June, I received a reply from your services to an access to documents request made on 14 April, in which I requested access to all documents related to contact between the Commission and Palantir and documents in which the word Palantir is mentioned. After following developments regarding Palantir's activities for some years, and carefully analysing the documents received last week, I have some follow up questions regarding cooperation and contact between the Commission, EU agencies and Palantir.

In its answer d.d. 9 June 2020 to a written parliamentary question, the Commission stated that *"Europol has been using Palantir software for analysing operational data as part of Task Force 'Fraternité' in 2016 and since mid-2017 for the operational analysis of all counter terrorism related data."* Europol uses Palantir software *"as a tool for operational analysis, in particular for the visualisation of data sets and to identify new lines of investigation in support of the competent authorities in EU Member States and beyond. The product holds operational personal data in the context of counter-terrorism investigations and operations, processed in line with Europol's applicable legal framework."* The Commission moreover states that *"Europol had an indirect contractual relationship with Palantir, which was a sub-contractor of Capgemini Nederland BV"*, based on a public tender completed in 2012, and the contract was signed in December 2012. About its costs, the Commission reported that the *"maximum value of financial expenditure under the framework contract was EUR 7.5 million. The total value of the expenditure paid under the contract, including the respective services provided by the sub-contractor, was around EUR 4 million."*¹

Furthermore, a Senior Analyst at Europol worked as "Embedded Analyst" at Palantir from December 2012 (i.e. the time the contract between Europol and Palantir was concluded) until March 2014. He returned to Europol as an Analyst and subsequently as Specialist Data Protection.²

- What were the reasons for choosing Palantir/Capgemini in the 2012 tender procedure?
- Has Europol taken into consideration the risk of data processed by Europol and Member State authorities falling within US jurisdiction, by using software of a US based company, which happens to work for the American intelligence services as well? If so, how has Europol verified if that risk exists? If not, why not?
- Which specifically are *"the services provided by the sub-contractor"*?
- Which countries *"beyond"* the EU Member States does Europol support by using Palantir software?
- According to one of the documents received, on 3 October 2018 the Europol Management Board was informed by the Agency about the *"performance issues with Palantir, and [informed] that a new in-house system will be developed, tailored on Europol's needs"*.³ What was the nature of the performance issues? May it be concluded that the performance was unsatisfactory enough to convince Europol to switch to an in-

¹ https://www.europarl.europa.eu/doceo/document/E-9-2020-000173-ASW_EN.html

² <https://twitter.com/SophieintVeld/status/1003703080892936192>

³ Ref. Ares(2018)5164050 - 08/10/2018

house system, even when Member States expressed concerns about the costs and resources implications of that switch?

- The Commission states that Europol *"had"* a contractual relationship with Palantir. Is this no longer the case? When and why was the contract terminated? Was it terminated in connection with *"performance issues"* mentioned during the Europol Management Board meeting on 3 October 2018?
- Was the 16 month employment at Palantir of the Europol analyst a secondment by Europol? Was it connected to the conclusion of the framework contract? Have Palantir staff ever been seconded to Europol, either formally or informally? If so, what access did they have to information and personal data held or processed by Europol?

In 2018, a Council Decision addressing deficiencies identified in the 2017 evaluation of the application by Norway of the Schengen acquis in the field of police cooperation, recommends that Norway should consider interconnecting the - new - Palantir Omnia Gotham case management system with the existing SIRENE case management system.⁴ However, Norway decided against it, as it would be costly and the SIRENE system was *"relatively new and modern"* (to be read as *"still performing well enough"*?)

- Can it be concluded from this that Palantir software is being used by Norway for case management in the context of the Schengen acquis? Are any other Schengen countries are using Palantir software for Schengen purposes?

In April 2018, Director General Ms Paraskevi Michou replied to my access to documents request that DG Home Affairs and Migration did not hold any documents relating to *"contact between the Commission and the company Palantir in the domain of justice and home affairs"*.⁵ However, Madame Michou attended a meeting of the Europol Management Board in October that same year 2018, where Palantir was mentioned. At that stage, Palantir had been used since (at least) 2016 by Europol⁶, and *"performance issues"* were mentioned at that 3 October meeting.⁷ Those issues must have been known well before that date, as by October 2018 Europol had decided to replace Palantir software.

It was also known in early 2018 (date of draft Council decision mentioning Palantir: 25/07/2018) that Norway (and possibly other countries?) were using Palantir software for the application of the Schengen acquis.

In addition, in late March 2018, media reported about the alleged connection between Palantir and the scandal regarding Facebook and Cambridge Analytica.

In other words: by 2018, Palantir was well known to the Commission, as well as the controversy around it.

- Can I conclude from the fact that the reply of 30 April 2018 to my initial access to documents request, stating that no documents were held by DG Home Affairs and Migration, was either incorrect or a deliberate legalistic reply aiming to disclose as little as possible, at a moment where there was very negative publicity on Palantir, rather than a sincere effort for transparency?

⁴ Ref. Ares(2019)2671331 - 17/04/2019

⁵ Ref. Ares(2018)2302568 - 30/04/2018

⁶ https://www.europarl.europa.eu/doceo/document/E-9-2020-000173-ASW_EN.html

⁷ Ref. Ares(2018)5164050 - 08/10/2018

In March 2019, EU Counter-Terrorism Coordinator Mr Gilles De Kerchove, Deputy Director General Mr Olivier Onidi (who was also present at the 3 October 2018 Europol Management Board meeting) and a third, non-identified person, visited Washington DC, for meetings with a range of US government bodies, and with Palantir. *"The main topics included the security risks as well as the opportunities associated with new technologies such as artificial intelligence (AI) and 5G, information exchange including battlefield information and PNR, radicalisation and terrorist content online, and the Visa Waiver Programme".* Palantir's Director of Engineering Aki Jaid gave a presentation on the company. Palantir representatives demonstrated the products Gotham and Foundry.

- What was the purpose of the meeting with Palantir? What was the reason for adding a commercial company to a visit that was otherwise dedicated only to meetings with government bodies?
- Were the members of the delegation and the Head of the EU Delegation in Washington aware of the connection between Palantir and Cambridge Analytica? Were they aware of the "performance issues" identified at Europol? Were they aware the founder of Palantir was a donor of the 2016 Trump election campaign?

In spring 2020, as soon as governments started to consider the introduction of COVID-19 contact tracing apps, Palantir approached several governments (in any case Germany, France and Austria) to offer its services.

- Is the Commission aware of any government that has decided to work with Palantir on contact tracing apps?
- Is the Commission aware of the awarding of contract by the UK government to Palantir and Faculty (a company allegedly linked to Mr Cummings, the advisor to the Prime Minister) to do data analysis for the NHS, and that the contract has the symbolic value of 1 Pound?
- Can the Commission confirm it has had no contacts with Palantir in the context of COVID-19?

This week, Euractiv reported that the transparency register contains a reference to a meeting between Commission President Von Der Leyen and Alex Karp, CEO of Palantir, during the World Economic Forum in Davos in January this year. According to the Commission, no written read-outs were made of this meeting.

The response to my access to documents request also contains a briefing note for a meeting between Vice-President Vestager and Peter Thiel, co-founder of Palantir, during the Munich Security Conference 2020.⁸

- Can the Commission give clarity on the purpose of the meeting between President Von der Leyen and Alex Karp?
- Can the Commission give clarity on the purpose of the meeting between the Vice-President and Palantir?
- Does the Commission agree that it is quite remarkable that although Peter Thiel's support for President Trump is mentioned in the briefing note for the Vice President, there is no mention of Palantir's link with the Cambridge Analytica scandal, or its connection with the NSA or the CIA? If not, why not?

⁸ Ref. Ares(2020) 2943959 - 08/06/2020

- Does the Commission, which describes itself as “geopolitical”, consider a company with the track record of Palantir, and subject to US jurisdiction, an appropriate partner for the European Union and suitable to be entrusted with the most sensitive personal data of European citizens? How does this relate to the stated objective of the Commission for Europe to become more independent and protect the rights and interests of its citizens?

I kindly request that the Commission reply fully and in detail to each question.

Kind regards,

Sophie in 't Veld