



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.A.4/

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

Mathias Schindler
Bundestagsbüro Julia Reda, MdEP
Unter den Linden 50
11011 Berlin
Germany

Advance copy by email:
request-8152-0755a421@asktheeu.org

Subject: Your application for access to documents – ref. GestDem 2020/3507

Dear Mr Schindler,

We refer to your e-mail dated 8 June 2020, in which you make a request for access to documents, registered on 9 June 2020 under the above-mentioned reference number.

You have requested access to “any information related to Palantir and its products and services, including:

- a) Meeting records (drafts, memos, invitations, appointments, cancellations) involving Palantir officials and people representing Palantir and their interests
- b) Correspondence (including within the [Authority name] and with the European institutions concerning Palantir technologies and / or its products and services or the regulatory environment of the EU that affects their products and services. This may include policy papers, consultation input, memoranda or any other form of information.
- c) Invoices, tenders, service agreements, purchases, orders, procurement documents, offers etc. concerning products and services using Palantir Technologies”.

Since you have sent the same request to multiple Directorates-General, this reply relates only to the documents held by Directorate-General for Migration and Home Affairs. I consider your request to cover documents held up from 1 June 2010 (the day on which DG HOME was set up) to the date of your initial application, i.e. 8 June 2020.

The following documents fall within the scope of your application:

N°	Title	Registration ref.
1.	Mission report from EU CTC visit to Washington D.C. on 21-22.03.2019	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.	Parliamentary question [E-173/20] on the use of Palantir software ¹	
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 ²	
15.	Request for access to documents - GESTDEM 2020_2196 - initial reply (redacted)	Ares(2020)2882627
16.	Letter of 10/6/2020 from MEP in 't Veld regarding cooperation and contact between the Commission, EU agencies and Palantir	Ares(2020)3017422
17.	ISEC 2013 Call restricted to Framework Partners - Non-award letters - HOME/2013/ISEC/FP/C1/4000005020	Ares(2014)940040
18.	Final payment 2009 NL EBF - closure - revised and signed final report	Ares(2015)5692959

¹ Both the written question and the reply are available on European Parliament's website: https://www.europarl.europa.eu/doceo/document/E-9-2020-000173_EN.html

² Both the written question and the reply are available on European Parliament's website: https://www.europarl.europa.eu/doceo/document/E-8-2018-002894_EN.html

FULL DISCLOSURE

Having examined the documents requested under the provisions of Regulation (EC) n°1049/2001 regarding public access to documents, I have come to the conclusion that documents 3, 5, 6, 8, 9, 11, 12, 13, 14 and 16 may be fully disclosed.

Please find enclosed the link to document n°6 (parliamentary question and answer E-173/20): https://www.europarl.europa.eu/doceo/document/E-9-2020-000173-ASW_EN.html, and the link to document n°14 (parliamentary question and answer E-002894-18): https://www.europarl.europa.eu/doceo/document/E-8-2018-002894_EN.html.

Access is also given to documents 1, 2, 4, 10 and 18. 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, 10, 15 and 17 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) n°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 Regulation³ 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) n°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.

PARTIAL DISCLOSURE

Having examined document n°7, I have come to the conclusion that it may be partially disclosed. Full disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

Some parts of document n°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.

³ 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) n°45/2001 and Decision n°1247/2002/EC.

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) n°1049/2001 applies to this document.

The exceptions laid down in 4(3) of Regulation (EC) n°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) n°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-acc-doc@ec.europa.eu

Yours faithfully,

Monique PARIAT

[e-signed]

Enclosures: 17

Linked documents: 2