



Brussels, 29 June 2020  
SRB/CM01/ARES (2020)3922428

***Via e-mail only***

Mr Mathias Schindler

E-mail: [ask+request-8117-e575a92b@asktheeu.org](mailto:ask+request-8117-e575a92b@asktheeu.org)

**Subject: Your request for access to SRB documents  
Our reference Ares (2020)3093565**

Dear Mr Schindler,

Thank you for your e-mail dated 8 June 2020, registered by the Single Resolution Board ("**SRB**") on 15 June 2020 under the above-mentioned reference number ("**Initial Application**"), in which you request access to certain SRB documents.

I treated your request for access to documents in accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup> ("**Regulation (EC) No 1049/2001**") and the SRB Decision of 9 February 2017 on public access to the SRB documents<sup>2</sup> ("**Public Access Decision**").

### **1. The scope of your request for access to documents**

You have requested "*any information related to Palantir Technologies, Inc. and its products and services, including*":

- i) "*meeting records (drafts, memos, invitations, appointments, cancellations) involving Palantir officials and people representing Palantir and their interests*";
- ii) "*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*";

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<sup>1</sup> 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 L 145, 31.5.2001, p. 43.

<sup>2</sup> SRB/ES/2017/01. This decision lays down the practical measures for applying Regulation (EC) No 1049/2001 in accordance with Article 90(2) of Regulation (EU) No 806/2014.

iii) *"invoices, tenders, service agreements, purchases, orders, procurement documents, offers etc. concerning products and services using Palantir Technologies"*.

As regards your request for *"any information related to Palantir Technologies Inc and its products and services"*, I would like to note that a request for information *per se* does not fall under the scope of Regulation (EC) No 1049/2001. However, I gather from your application that the documents requested shall be related to Palantir Technologies, Inc. and its products and services.<sup>3</sup>

## **2. Assessment and conclusions under Regulation (EC) No 1049/2001**

After having carefully examined your request for access to the documents under points (i)-(iii) above in accordance with Regulation (EC) No 1049/2001 and the Public Access Decision, I regret to inform you that the SRB does not hold any documents that would correspond to the description given in your application.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the scope of the right of access as defined in that Regulation applies only to existing documents in the possession of the SRB.

Given that the SRB does not hold any documents corresponding to the description given in your application, I am not in a position to grant your request.

I would also like to note that the SRB is not compelled to create a document that does not already exist in order to address a specific request for public access. In accordance with settled case law of the Court of Justice of the EU, the EU institutions are entitled to limit themselves to indicating that the requested document(s) does not exist, without specifying the reasons<sup>4</sup>.

## **3. Means of redress**

In accordance with Article 7(2) of the Public Access Decision and Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the SRB to reconsider its position.

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<sup>3</sup> Judgment of the Court of first Instance of 25 April 2007, WWF European Policy Programme v Council, T 264/04, ECLI:EU:T:2007:114, paragraph 76.

<sup>4</sup> Judgement of the Court of First Instance of 12 October 2000, JT's Corporation Ltd v Commission, T 123/99, ECLI:EU:T:2000:230, paragraph 67.



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

Single Resolution Board  
For the attention of the Executive Session  
Corporate Secretariat (P06/50)  
Treurenberg 22  
B-1049 Bruxelles

or by e-mail to: [SRB-SECRETARIAT@srb.europa.eu](mailto:SRB-SECRETARIAT@srb.europa.eu)

Yours sincerely,

*[signed]*

Kathrin LOHMANN  
Acting Head of SRB Secretariat