



EUROPEAN DATA PROTECTION SUPERVISOR

WOJCIECH RAFAŁ WIEWIÓROWSKI
ASSISTANT SUPERVISOR



Brussels, 24 January 2018
[REDACTED] D(2018)0178 C 2017-0554
Please use edps@edps.europa.eu for all
correspondence

**Subject: Your complaint against EUROPOL - Decision of the EDPS -
EDPS case 2017-0554**

Dear [REDACTED],

We are writing to you with reference to the complaint submitted to the European Data Protection Supervisor (the EDPS) on 7 June 2017 which concerns EUROPOL.

Your complaint relates to Europol's decision of 8 March 2017 ("EUROPOL's decision"). EUROPOL informed you that "there are no data concerning you at EUROPOL to which you are entitled to have access in accordance with Article 30 of the Europol Council Decision"¹.

The EDPS has examined your complaint and carried out all necessary checks on the lawfulness of EUROPOL's decision (as required by article 47 of the Europol Regulation²).

¹ Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol), OJ L 121 of 15.5.2009, p. 37.

² Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135 of 24.5.2016, p. 53. This Regulation is applicable since 1 May 2017.

Following this examination, the EDPS does not have any reason to believe that EUROPOL's decision does not comply with the Europol Regulation. The EDPS has therefore **decided to close its investigation**.

Yours sincerely,



Wojciech Rafał WIEWIOROWSKI

Cc: [Redacted] Data Protection Officer, Europol

Remedies

By virtue of Article 48 of the Regulation (EU) 2016/794, both the complainant and Europol may bring an action against this Decision before the Court of Justice of the European Union, within two months from the adoption of the present Decision and according to the conditions laid down in Article 263 TFEU.

Personal Data Protection Statement

According to Articles 11 and 12 of Regulation (EC) 45/2001 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 data, please be informed that your personal data are processed by the EDPS, when proportionate and necessary, for the purpose of the investigation of your complaint. The legal base for this processing operation is Article 47 of Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol). The data processed are submitted by yourself or may be obtained by the EDPS from other sources during the enquiry on your complaint. Your data will be transferred to Europol or to any third parties, including national supervisory authorities, only where necessary to ensure the appropriate investigation or follow-up of your complaint. Your data will be stored by the EDPS in electronic and paper files for a maximum of ten years. You have the right of access to the personal data we hold regarding you and to rectify them if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu.