

**From:** European Data Protection Supervisor <EDPS@edps.europa.eu>  
**To:** [REDACTED]  
**Sent at:** 07/03/19 14:19:55  
**Subject:** Our ref. 2019-0102 D-0496

Dear [REDACTED]

We are writing in response to your complaint of 13 January 2019, regarding your data subject request to Europol filed via the Belgian Organe de contrôle de l'information policière (C.O.C).

We would like to refer to the EDPS' position as the independent authority of the European Union (EU) that deals with the supervision of the processing of personal data done by Europol<sup>[1]</sup>. After analysing your message of 13 January 2019, we decided to contact Europol in order to verify whether your data access request had been transmitted to Europol by the C.O.C., as this would make your complaint fall within the jurisdiction of the EDPS. On this point, we would like to inform you that your data subject access request with the C.O.C. was not transmitted to Europol.

However, Europol informed us that they did receive a separate data subject access request from you via the Liaison Bureau Czech Republic, which you did not previously communicate to us. Receipt of this latter data subject access request was confirmed by Europol to the Presidium of the Czech Republic – International Police Cooperation Division, the authority with which you filed this latter request, on 13 December 2018.

Subsequent investigation of the data subject access request by Europol's Data Protection Officer (DPO) showed that Europol is not processing any of your personal data. A letter was sent to your attorney on 13 February 2019 stating the results of this investigation.

Should you have any objections, please provide them within four weeks upon receipt of the present letter. If we have not received any reply from you by that date, we will consider that you have no objections to make on the issue of reference and close the case.

Yours sincerely,



**EDPS Secretariat**

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**Data Protection Notice**

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is 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 up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at [edps@edps.europa.eu](mailto:edps@edps.europa.eu). Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS ([EDPS-DPO@edps.europa.eu](mailto:EDPS-DPO@edps.europa.eu)), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data protection notice on complaint handling at: [https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en).

[1] According to Regulation (EU) 2016/794 (see <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0794> '... **the EDPS**, shall be responsible for monitoring and ensuring the application of the provisions of this Regulation relating to the protection of fundamental rights and freedoms of natural persons with regard to the processing of personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data' (see Article 43).

[1] According to Regulation (EU) 2018/1725 (see <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32018R1725> '... **the European Data Protection Supervisor**, shall monitor the application of the provisions of this Regulation to all processing operations **carried out by a Community institution or body...**' (see Article 1(2)). According to paragraph 1 of the same article, the 'Community institutions or bodies' are **the institutions and bodies set up by, or on the basis of, the Treaties establishing the European Communities** (see [http://europa.eu/about-eu/institutions-bodies/index\\_en.htm](http://europa.eu/about-eu/institutions-bodies/index_en.htm) for a full list).