



EDPS  
EUROPEAN DATA PROTECTION SUPERVISOR

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SUPERVISOR

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**Subject: EDPS Decision on the own initiative inquiry on Europol's 'Big Data Challenge' - reply to the letter of 2 June 2021 (Case 2019-0370)**

Dear Ms de Bolle,

I would like to thank you for your letter of 2 June 2021 and the detailed clarifications provided on Europol's implementation of its Action Plan as set out in the Progress Report of 17 March 2021, as well as for your reassurance that Europol is on track with the planning and execution of the foreseen measures, in line with the established timeline.

The EDPS welcomes the decision to put in place an interim solution for automatic labelling of SOC intake data, pending the replacement of iBase (planned for 2022). With regard to this interim solution, we would request you to confirm the implementation of this measure.

Regarding the continuous storage of data for preserving the chain of evidence for the purpose of ensuring admissibility in subsequent judicial proceedings, you state that this data will remain stored in the same secure environment as large datasets pending a DSC assessment, subject to the same limited access rights, and will continue to be periodically reviewed.

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As noted in my letter of 19 April 2021, retaining this data for the purposes of preserving the chain of evidence implies the continuous storage of raw datasets with no DSC beyond the process of entity extraction. According to the Europol Archiving Policy, such data should not be stored on their original IT systems but archived for five years on a separate system, as its sole purpose is for use in judicial proceedings. The EDPS therefore requests an explanation as to why Europol's archiving policy will not be applied to the storage of data for the purpose of preserving the chain of evidence in the case of large datasets.

Furthermore, you state that data stored for the purpose of preserving the chain of evidence will not be at risk of being further processed and will not be available for searching or analysis. At the same time, the analysts and specialists who have worked on the investigation will have access to this data. The EDPS requests Europol to confirm our understanding that no data will be further extracted from datasets stored for preserving the chain of evidence.

Concerning Europol's position on the subject of the Data Protection Impact Assessment (DPIA) for the New Forensic Environment (NFE) and on the retention period for large datasets lacking a DSC, these matters will be addressed to you separately.

I look forward to receiving your reply on the questions raised in this letter by 1 October 2021 and take this opportunity to thank you for Europol's continued cooperation on this important file.

In view of the interest of the Europol Management Board in the implementation of the EDPS Decision of 17 September 2020, the Chairperson of the EMB is included in copy to this letter.

Yours sincerely,

*[e-signed]*

Wojciech Rafał WIEWIÓROWSKI

cc. Mr Oliver RÜß, Chair of the Europol Management Board

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