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CC: 'DPF@europol.europa.eu' <DPF@europol.europa.eu>;
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Sent at: 01/10/24 14:08:16
Subject: Our ref.: 2024-0763 - D(2024) 3094 - Request for information regarding the implementation of Article 33a of the Europol Regulation (Research and Innovation)

Dear Sir,

Please find attached a letter signed electronically by Mr T. ZERDICK for the above mentioned subject.

Please note that the letter is encrypted. The password to the zip files will be delivered by separate channel.

Kind regards,

SUPERVISION & ENFORCEMENT UNIT



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24-10-01 Letter to Mr EBNER - (e-signed)-2024-0763.pdf



EUROPEAN DATA PROTECTION SUPERVISOR



SUPERVISION and ENFORCEMENT UNIT Head of Unit

Mr Jürgen EBNER
Deputy Executive Director
Governance Directorate
Europol

By email:
juergen.ebner@europol.europa.eu

Brussels, 01 October 2024
TZ/ [REDACTED] D(2024) 3094 C 2024-

0763

Please use
Supervision@edps.europa.eu for all
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Subject Request for information regarding the implementation of Article 33a of the Europol Regulation (Research and Innovation)

Dear Mr Ebner,

Article 18(2)(e) of the Europol Regulation (or abbreviated 'ER')¹ provides a new legal basis to Europol to process personal data for the purpose of research and innovation projects regarding matters covered by this Regulation for the achievement of Europol's objectives set out in Article 3 ER. The processing of personal data for the purpose defined in Article 18(2)(e) ER should be carried out only in the context of research and innovation projects with clearly defined purposes and objectives. These projects should be subject to the additional safeguards provided for in

¹ 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, 24.5.2016, p. 53-114, as amended by Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation, PE/8/2022/REV/1,OJ L 169, 27.6.2022, p. 1-42.

Article 33a ER.

On 22 March 2023, in line with Article 33a(3) ER, Europol's Management Board adopted a binding document² that defined the general scope for Europol's research and innovation projects, including the overall strategic objectives and goals, as well as the specific subject matters to be addressed by those projects.

On 28 November 2023, Europol adopted a programming document for 2024-2026³, which states that Europol looks forward to implementing the new research and innovation provisions of the Europol Regulation, in particular by making use of the Research and Innovation Sandbox (RIS), i.e. *'a separate, isolated and protected data processing environment within Europol for the sole purpose of carrying out and supporting research and innovation projects'*. Furthermore, this programming document also mentions that Europol schedules to finalise its *'internal policies and procedures, identify and receive datasets for the explicit purpose of pursuing and supporting research and innovation projects, and continue to incrementally develop the technical environment in line with the 'Binding Document' adopted by the Management Board in 2023'*.

On 23 January 2024, in order to understand how Europol was implementing these new provisions, the EDPS met at staff level with representatives of the Europol Innovation Lab. Europol informed the EDPS that it was drafting processes and template documentation to implement Article 33a ER, which would be shared with the EDPS in the coming months. Europol also informed that several projects were upcoming, of which Europol would duly inform the EDPS prior to their launch.

In light of the above, as Europol has not yet provided any of the information referred to in the January meeting, the EDPS requests Europol, in line with Article 43(4)ER, to provide the following information:

- the current draft process workflow for research and innovation projects, as well as the drafts of the Research Project Initiation Document(s);
- whether Europol has started its research and innovation activities already, or, in the negative, Europol's expected timeline to inform the EDPS of its first research and innovation project under Article 33a ER;
- how Europol complies with Article 33a(2)(d) ER, in particular information whether this is implemented through Europol's sandbox mentioned above, and if so, whether personal data have already

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² EDOC #1268633v8A.

³ Available at https://www.europol.europa.eu/cms/sites/default/files/documents/Europol_Programming_Document_2024-2026.pdf

We would welcome if you could provide us with the above-mentioned information and documentation by 23 October 2024.

Yours sincerely,

[e-signed]

Thomas ZERDICK, LL.M.

cc:

