



EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

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C 2021-0699
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**Subject: EDPS follow-up to the inquiry on Europol's Big Data Challenge
(2019-0370 and 2021-0699) - Provisional analysis**

Dear Ms de Bolle,

I am writing to you in the context of the follow-up to the EDPS Decision of 17 September 2020 concerning the retention and deletion of large datasets where no Data Subject Categorisation (DSC) has been completed (case 2019-0370).

The EDPS has expressed ongoing concern regarding the retention period applied to large datasets processed in Europol's forensic environment pending a DSC, and made an explicit written request (by letter of 19 April 2021), for Europol to define and implement a restrictive maximum threshold for the storage of these datasets whose processing constitutes a potential breach of Article 18(3) and (5) and Annex II B ER.

In light of Europol's position, set out in your letter of 2 June 2021, to disregard this request, the EDPS has decided to open a new case file (2021-0699) for the follow-up to the own-initiative inquiry and to the admonishment decision of 17 September 2020 on Europol's Big Data Challenge, focusing on the retention and deletion of large datasets whose compliance with the limits contained in the Europol Regulation have not been established.

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Please find in annex the EDPS' provisional analysis in relation to case 2021-0699.

On the basis of this provisional analysis, the EDPS considers that a maximum retention period of 6 months should be applied to the processing of large datasets pending a DSC, after which datasets the compliance of which with Article 18(3) and (5) and Annex II.B , read in the light of Article 28(1)(c) and (e) of the Europol Regulation has not been established, should be permanently deleted.

The EDPS wishes to provide Europol with the opportunity to submit observations on this provisional analysis before any possible enforcement actions are undertaken. Should Europol have an alternative assessment as regards the EDPS' analysis and the proposed retention period, please set out this position in writing, providing substantive justification from an operational and legal perspective.

I look forward to receiving your reply by 1 October 2021.

Yours sincerely,

[e-signed]

Wojciech Rafał WIEWIÓROWSKI

Annex: EDPS Provisional Analysis

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