



**Council of the European Union**  
General Secretariat

Directorate-General Communication and Information - COMM  
Directorate Information and Outreach  
Information Services Unit / Transparency  
*Head of Unit*

Brussels, 17 November 2022

Mr Arne Semsrott

Email: [REDACTED]

Ref. 22/2034-rh/nb-ADD

Request made on: 05.10.2022

Dear Mr Semsrott,

Thank you for your request for access to documents of the Council of the European Union.<sup>1</sup>

Further to our letter of 26 October 2022, please find attached partially accessible<sup>2</sup> versions of documents **WK 8678/22** and **WK 10675/22** in which personal data have been redacted in accordance with Regulation (EU) 2018/1725.<sup>3</sup>

Please also find attached partially accessible version of document **WK 8680/22**.<sup>4</sup> However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **WK 8680/22** of 15 June 2022 is a working document from the General secretariat of the Council to delegations on *LEWP (Police) meeting on 15 June 2022 - Presentations*. It contains concrete information on a police operation related to an ongoing court case which has not yet been the subject of a court decision. Therefore, having consulted the author of the document, the General Secretariat of the Council is of the opinion that full disclosure of the document has to be refused under Article 4(2), third indent, of the Regulation 1049/2001.

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

<sup>2</sup> Article 4(6) of Regulation (EC) No 1049/2001.

<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L, 295, 21.11.2018, p. 39–98).

<sup>4</sup> Article 4(6) of Regulation (EC) No 1049/2001.

Moreover, the document contains personal data about identified persons. The personal data contained in this document is necessary for the organisation of the work of the Council.

The data protection rules at EU level<sup>5</sup> provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.<sup>6</sup>

After carefully considering all the principles related to this request and consulting the authors of the document, on balance the General Secretariat has concluded that disclosure of the personal data contained in the document would undermine the protection of privacy and the integrity of the identified individuals. As a consequence, the General Secretariat has to refuse full access to the requested document also for this reason.<sup>7</sup>

Please also find attached partially accessible version of document **11587/22**.<sup>8</sup> However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **11587/22** of 7 September 2022 is a working document from the GSC to delegations for the Law Enforcement Party (Police) meeting held on 6 September 2022 containing a presentation on *Europol EC3 Forensic Services* for EU Member States made by Europol. It contains sensitive information on the proper fulfilment of Europol's tasks, investigations and operational activities of EU Member States, third parties and Union bodies.

The release of such sensitive information to the public could impact upon the effectiveness of operational and investigation activities of the Member States and third countries in their fight against cybercrime as well as undermine Europol's partners' trust and endanger their mutual cooperation, which is essential to Europol's activities, consequently hindering Europol's ability to effectively perform its tasks.

Therefore, having consulted with Europol, the General Secretariat of the Council is of the opinion that full disclosure of the document would undermine the protection of the public interest as regards public security. As a consequence, the General Secretariat has to refuse full access to this document.<sup>9</sup>

Moreover, the document contains personal data about identified persons. The personal data contained in this document is necessary for the organisation of the work of the Council.

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<sup>5</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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 (OJ L 295 21.11.2018, p. 39).

<sup>6</sup> Article 9 of Regulation (EC) No 45/2001.

<sup>7</sup> Article 4(1)(b) of Regulation (EC) No 1049/2001.

<sup>8</sup> Article 4(6) of Regulation (EC) No 1049/2001.

<sup>9</sup> Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001.

The data protection rules at EU level<sup>10</sup> provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.<sup>11</sup>

After carefully considering all the principles related to this request and consulting the authors of the document, on balance the General Secretariat has concluded that disclosure of the personal data contained in the document would undermine the protection of privacy and the integrity of the identified individuals. As a consequence, the General Secretariat has to refuse full access to the requested document also for this reason.<sup>12</sup>

I regret to inform you that access to document **WK 12386/22** cannot be given for the reasons set out below.

Document **WK 12386/22** of 21 September 2022 is a working document from the Presidency to delegations on *Schengen Cycle - Presentation for LEWP (Police) meeting on 22 September 2022*.

The release of the information contained in this document would jeopardise the public security by revealing sensitive police operational information within the EU in the domain of Schengen Cycle.

Therefore, having consulted with the originating source of the document, the General Secretariat is of the opinion that the disclosure of the document would undermine the protection of the public interest as regards public security. As a consequence, the General Secretariat has to refuse access to this document.<sup>13</sup>

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to indicate the reasons thereof.

Yours sincerely,

Fernando FLORINDO

Enclosures: 4 - WeTransfer link to download the documents: <https://we.tl/t-2p53Ko8iuW>

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<sup>10</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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 (OJ L 295 21.11.2018, p. 39).

<sup>11</sup> Article 9 of Regulation (EC) No 45/2001.

<sup>12</sup> Article 4(1)(b) of Regulation (EC) No 1049/2001.

<sup>13</sup> Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001.