

Annex 3.1: Correspondence and Request to DG NEAR 2020

From: [REDACTED]@privacyinternational.org
Subject: Re: Invitation to discuss your request for information (Ref. GestDem No 2019/5444)
Date: 16 November 2020 [REDACTED]
To: NEAR-BTF1@ec.europa.eu
Cc: [REDACTED]@privacyinternational.org, [REDACTED]@privacyinternational.org

Dear Sir/Madam,

Access to Documents Request: Ref. GestDem No 2019/5444

We are writing to follow up on your email dated 16 March 2020, in which you asked for "a delay of two weeks to both allow [Commission] staff to get accustomed to this new working context and to work out the necessary internal coordination" to respond to our request. You never followed-up to our request after that communication.

Therefore, our request is still pending.

Considering the time that has elapsed since our initial request on 18 September 2019, we would like to facilitate its handling as soon as possible. For this purpose, **we would hereby like to submit a refined version of our initial request, under Regulation 1049/2001, as follows:**

In accordance with Article 15(3) of the consolidated version of the Treaty on the Functioning of the European Union and Article 42 of the Charter of Fundamental Rights of the EU, implemented through Regulation (EC) No 1049/2001, Privacy International and [REDACTED] private capacity as EU citizen, would hereby like to jointly request a copy of the following documents that are held by your institution:

- Documents pertaining to any kind of impact assessments (human rights impact assessments, including privacy or data protection impact assessments, due diligence assessments, audit reports or any other risk assessment) that were produced in the context of transfer of surveillance capabilities by the European Union to third countries.

Clarifications

Transfer of surveillance capabilities should mean: i) transfer of surveillance technology or equipment from the EU to third countries; ii) training of authorities of third countries on using surveillance technology/equipment/techniques; iii) providing financial support to third countries to purchase surveillance technology/equipment or to carry out surveillance; iv) supporting the drafting/adoption/enactment of surveillance legislation in third countries.

Third countries should mean the following non-EU countries: Turkey, Montenegro, North Macedonia, Albania, Serbia, Kosovo, Bosnia and Herzegovina, as well as any African country.

We thank you in advance for the prompt handling of our request and we remain fully at your disposal should you require any further information. Should you want us to further refine our request, please get back to us in due course proposing specific suggestions on how to best do that in a way that would help us reach a fair solution.

Yours faithfully,

[REDACTED] on behalf of Privacy International, and [REDACTED] personal capacity

On 16 Mar 2020, [REDACTED] NEAR-BTF1@ec.europa.eu wrote:

Dear [REDACTED]

Thank you for your email dated 11 mars 2020.

We welcome the opportunity to discuss your request over the phone.

However, due to the coronavirus, Commission staff have been ordered to telework as of Monday 16 March. This situation is going to be challenging for the functioning of the Commission at large.

As a result, we kindly ask you to allow us a delay of two weeks to both allow staff to get accustomed to this new working context and to work out the necessary internal coordination to allow us to adequately answer your questions.

Regards,

NEAR B.TF1 Secretariat

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European Commission

European Neighbourhood Policy and Enlargement Negotiations (NEAR)
DG NEAR, B.TF1 - Migration Assistance to Neighbouring Countries
J54 04/230 - +32 229 - 89878
NEAR-BTF1@ec.europa.eu

From: [REDACTED]@privacyinternational.org>
Sent: Wednesday, March 11, 2020 [REDACTED]
To: NEAR BTF1 <NEAR-BTF1@ec.europa.eu>
Cc: [REDACTED]@privacyinternational.org; [REDACTED]@privacyinternational.org
Subject: Re: Invitation to discuss your request for information (Ref. GestDem No 2019/5444)

Dear Sir/Madam,

Thank you very much for your email and for updating us on the current state of play of our access to documents request.

Taking into account the situation around COVID-19 and the EU institutions, as well as the fact that it has been more than 5 months since we originally submitted our access to documents request to DG NEAR, may we please take this opportunity to alternatively suggest a phone call instead of a meeting? Please let us know whether discussing our request over the phone would be equally helpful for you to detail the activities undertaken in the countries covered by DG NEAR, and to identify the requested documents.

We look forward to your response and we remain fully at your disposal.

Yours faithfully,
Privacy International

On 10 Mar 2020, [REDACTED] <NEAR-BTF1@ec.europa.eu> <NEAR-BTF1@ec.europa.eu> wrote:

Dear [REDACTED]

Thank you for your emails dated 10 January and 28 February 2020.

We hereby confirm that DG NEAR is looking forward to discussing your request in person. However, due to the COVID-19, we are currently forbidden to hold meetings with individuals external to Brussels-based EU institutions, amongst other restrictions. As a result, DG NEAR will take contact with you as soon as the ban is lifted, with a view to organizing a meeting at your earliest convenience.

We apologize for this delay and thank you for your understanding.

Regards

negarus,

NEAR B.TF1 Secretariat

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European Commission

European Neighbourhood Policy and Enlargement Negotiations (NEAR)

DG NEAR, B.TF1 - Migration Assistance to Neighbouring Countries

J54 04/230 - +32 229 - 89878

NEAR-BTF1@ec.europa.eu

From [REDACTED] <[\[REDACTED\]@privacyinternational.org](mailto:[REDACTED]@privacyinternational.org)>

Sent: Friday, February 28, 2020 [REDACTED]

To: NEAR BTF1 <NEAR-BTF1@ec.europa.eu>

Cc: [REDACTED] <[\[REDACTED\]@privacyinternational.org](mailto:[REDACTED]@privacyinternational.org)> [REDACTED]

[REDACTED] <[\[REDACTED\]@privacyinternational.org](mailto:[REDACTED]@privacyinternational.org)>

Subject: Re: Invitation to discuss your request for information

Dear Sir/Madam,

We would like to follow up on our previous correspondence regarding the possibility of a meeting to discuss the access to documents request submitted jointly by Privacy International and [REDACTED] (private capacity) (Ref. GestDem No 2019/5444). May we please ask you to get back to us at your earliest convenience with one or more suggested dates and times for a meeting? In case this is no longer possible, we kindly ask you to respond to our access to documents request as soon as possible.

Yours faithfully,
Privacy International and [REDACTED]

On 10 Jan 2020, [REDACTED] wrote:

Dear [REDACTED]

Thank you very much for your email dated 8 January 2020 and your invitation to discuss the access to documents request jointly submitted by Privacy International and [REDACTED] (personal capacity). We agree to your proposal to further discuss our request in order for you to detail the activities undertaken in the countries covered by DG NEAR, and to identify the requested documents.

I would like to inform you that, together with me, either [REDACTED] or [REDACTED] (both in copy)

will be also attending the meeting on behalf of Privacy International. To that regard, I would like to let you know that [REDACTED] will be in [REDACTED]

[REDACTED] so please let us know asap should you be available for a meeting on any of these two days between 11am and 6pm. If not, please advise on the days and times that could be convenient for you and we will get back to you.

Kind regards,

[REDACTED]

[REDACTED]

Privacy International
62 Britton Street
London EC1M 5UY
United Kingdom

[REDACTED]@privacyinternational.org

Tel.: + 44 (0)203 422 4321

Web: www.privacyinternational.org

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<https://support.privacyinternational.org>

On 8 Jan 2020, [REDACTED] NEAR-BTF1@ec.europa.eu wrote:

Dear [REDACTED]

Please find attached a letter in relation to your request for information.

Yours sincerely,

NEAR B.TF1 Secretariat

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European Commission

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DG NEAR, B.TF1 - Migration Assistance to
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<Letter to Privacy International_Meeting
Proposal.doc.pdf>