

From: [REDACTED]
Sent: jeudi 18 novembre 2021 15:22
To: [REDACTED] (HOME); ONIDI Olivier (HOME); [REDACTED])
Subject: Re: RE: Commission written comments on the three operational personal data workstreams (MB decisions)

Dear [REDACTED]
Thanks a lot also from us for the good cooperation. We hope we will be able to close these files now pretty soon.

Best regards,
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@frontex.europa.eu](mailto:[REDACTED]@frontex.europa.eu)>
Date: Thursday, 18 November 2021 at 15:05:44
To: [REDACTED] ONIDI Olivier (HOME)" <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Subject: RE: RE: Commission written comments on the three operational personal data workstreams (MB decisions)

Dear [REDACTED]

I would like to convey my sincere thanks to DG Home for its methodological advice on how to best tackle this workstream, for the Commission tangible analytical input of course, and for the support at the Board yesterday.

The Frontex operational project board and my Unit are committed to deliver those decisions on time, fully involving the DPO, to enable Frontex and the MSs authorities to deliver on the EBCG 2.0 mandate as inspired by the Commission.

With kind regards

[REDACTED]

Director Governance Support Center *ad interim*
Head of Legal and Procurement Unit

[REDACTED]
Email: [REDACTED] <[\[REDACTED\]@frontex.europa.eu](mailto:[REDACTED]@frontex.europa.eu)>

From: [REDACTED]
Sent: 15 November 2021 10:46
To: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Cc: [REDACTED] <[\[REDACTED\]@frontex.europa.eu](mailto:[REDACTED]@frontex.europa.eu)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>

Subject: RE: RE: Commission written comments on the three modules discussed at the Workshop on personal data held on 28 October 2021

Many thanks dear [REDACTED] and dear Commission colleagues, it is good news
Looking forward to seeing you this week
Kind regards
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Sent: 14 November 2021 22:24
To: [REDACTED] <[\[REDACTED\]@frontex.europa.eu](mailto:[REDACTED]@frontex.europa.eu)>
Cc: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Subject: [EXTERNAL] RE: Commission written comments on the three modules discussed at the Workshop on personal data held on 28 October 2021

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Dear [REDACTED],
Thanks a lot for your message, and sorry for replying only now.
We briefly discussed internally, and indeed, while it would have been good to consult the EDPS on everything, it is more important now to get at least the two first decisions adopted. I think [REDACTED] mentioned this at the EB this week. If there is still anything unclear, please let me know.
Best regards,
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@frontex.europa.eu](mailto:[REDACTED]@frontex.europa.eu)>
Sent: Friday, November 5, 2021 6:23 PM
To: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Cc: [REDACTED] <[\[REDACTED\]@frontex.europa.eu](mailto:[REDACTED]@frontex.europa.eu)>
Subject: RE: Commission written comments on the three modules discussed at the Workshop on personal data held on 28 October 2021

Dear [REDACTED],

I hope this email finds you well.

Please convey my thanks to your staff for the very swift input; COM experts were already precious in June for the first workshop and it is good to have them onboard.

We are aware of the urgency of the matter and LEG – but also business units of various divisions – has/have been working hard to make progress.

I am surprised by the recommendation of Morten to ask us to consult the EDPS on all workstreams (yellow highlight). Or maybe I misunderstood ?

We have three workstreams : OPD (nr 1), ^{out of scope} [redacted]

While I do not rule out we will do it for other decisions, and while I acknowledge that it might even be beneficial (and also possibly sound 'tactically'), it also means we lose control of the time-line and it means we will not meet the deadlines (which, already today is a challenging deadline).

I thought I would engage with you - also because it was very pleased to make your acquaintance in Slovenia – to ascertain whether the Commission will insist on this, account taken of the risks involved.

I stay at your disposal
Kind regards

From: [redacted] <[redacted]@ec.europa.eu>
Sent: 05 November 2021 17:55
To: [redacted] <[redacted]@frontex.europa.eu>
Cc: [redacted] <[redacted]@ec.europa.eu>; [redacted] <[redacted]@ec.europa.eu>; [redacted] <[redacted]@ec.europa.eu>
Subject: [EXTERNAL] Commission written comments on the three modules discussed at the Workshop on personal data held on 28 October 2021

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Dear Colleagues,

First of all I would again like to thank you for organizing the workshop on personal data and for giving the participants the opportunity to provide written comments to supplement the discussion at the workshop. Attached is the Commission's comment on the three documents.

I would also like to reiterate the importance of finalising all the foreseen implementing rules related to data protection as a matter of urgency, while still respecting the need for proper consultation of the DPO and, where necessary, also the EDPS.

^{out of scope} [redacted]

In line with this and as also mentioned during the workshop, we would advise you to consider consulting the EDPS on the OPD rules ^{out of scope} [redacted]

As for the implementing rules on OPD ^{out of scope} [redacted], we would like to see the final draft to avoid a situation where questions are still pending when the draft is presented to the Management Board for adoption.

Specifically on the implementing rules on OPD:

As stated during the workshop and a numerous occasions earlier, the Commission would like to remind that, in accordance with the legal basis for the EBCG Regulation, Frontex is not a law enforcement agency and therefore it is important to be very cautious especially when defining rules on operational personal data to ensure that we stay within the limits set in the Regulation, more specifically in relation to tasks under Article 10(1)(q) of the Regulation.

Kind regards,
Morten



European Commission

Directorate-General Migration & Home Affairs

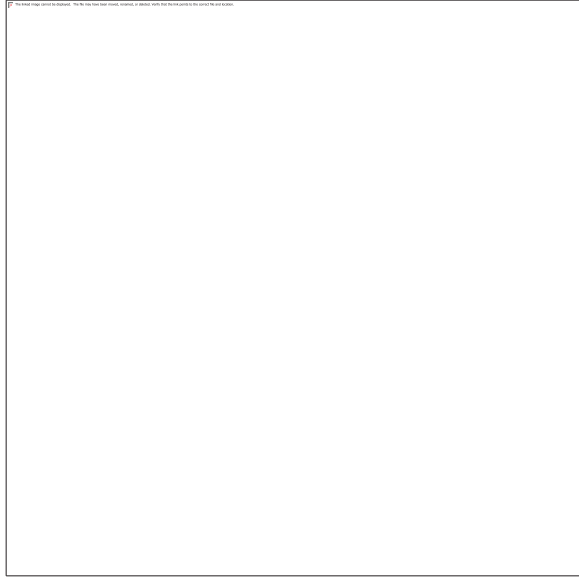
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