

From: [REDACTED]
To: [REDACTED]
Sent at: 30/04/19 16:29:06
Subject: RE: Case 2018-1083: Consultation on EASO social media monitoring reports (SMM)

Danke, [REDACTED]

Umso wichtiger, dass wir klarstellen, dass wir gegenwärtig keine Rechtsgrundlage sehen. Für mich verweist Art. 2(2) EASO Regulation eindeutig auf Arts. 8 10, und die funktionieren ausweislich meiner Email vom 18.12. gerade nicht als Rechtsgrundlage...

Ausserdem m.E. problematisch:

- Data subjects: so ziemlich jeder, der in den erwähnten Sprachen im Netz unterwegs ist; Identifizierung ist angeblich nicht der Fall, sieht aber anders aus, wenn man sich Statements unter 'data processed' anschaut: "The only possible element, which could lead to the identification of the data subjects are the public and open source links to the relevant posts";
- Recipients: IGC scheint Unterorganisation von IOM zu sein, Interpol taucht aber im ursprünglichen privacy statement so nicht auf...;
- Retention period: was soll das bedeuten "There is no particular significance to this retention period"?!

LG
[REDACTED]

From: [REDACTED]
Sent: 30 April 2019 16:05
To: [REDACTED]
Subject: RE: Case 2018 1083: Consultation on EASO social media monitoring reports (SMM)

Liebe [REDACTED]

Für EASO ebenfalls relevant, wenn man in die Zukunft gucken will: Vorschlag für eine neue EASO Verordnung, siehe Art. 31 da <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0271> das scheint denen nicht zu helfen (+ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52018PC0633> , scheint die relevanten Teile aber nicht zu betreffen).

Momentan hängt das wohl fest (<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52016PC0271>),

LG,
[REDACTED]

From: [REDACTED]
Sent: 16 April 2019 11:19
To: [REDACTED]
Cc: [REDACTED] European Data Protection Supervisor <EDPS@edps.europa.eu>
Subject: RE: Case 2018 1083: Consultation on EASO social media monitoring reports (SMM)

Dear [REDACTED],
Thank you for the additional information!
I confirm the date and time of our telco (skype will not work for us). Please call my direct number: [REDACTED]
Best regards & happy Easter holidays,
[REDACTED]

From: [REDACTED]
Sent: 16 April 2019 10:37
To: [REDACTED]
Cc: [REDACTED] European Data Protection Supervisor <EDPS@edps.europa.eu>
Subject: RE: Case 2018 1083: Consultation on EASO social media monitoring reports (SMM)

Dear colleagues,
Thank you for indicating your availability on having a skype conversation on EASO's SMM project (case reference 2018 1083).
I now have confirmation from my colleagues and it seems that the dates you have suggested are suitable for them as well.
May I suggest to organise the conference call on May 2nd from 11 to 12?
From our side, so far I have received confirmations of their attendance from two of the colleagues in our Communications and Stakeholders' Unit (which is in charge of the SMM project, including the Head of Sector in charge of the project) and two other colleagues from our ICT Unit (including the Head of Unit).
As far as the questions raised previously:

For the **legal basis** we have been also looking into the wording of article 2.2 of the EASO regulation (439/2010), particularly at the phrasing of "*drawing upon all useful resources at its disposal*":

"The Support Office shall provide effective operational support to Member States subject to particular pressure on their asylum and reception systems, drawing upon all useful resources at its disposal which may include the coordination of resources provided for by Member States under the conditions laid down in this Regulation."

For the **data subjects**, my colleagues have provided the following:

"The data subjects for EASO's social media monitoring are social media accounts for whom social media platforms constitute a means to obtain specific information about migration related issues. In this context, the data subjects are neither identified nor identifiable as it is the norm for them to refrain from revealing their real identities (real names or photos), and rather use aliases and nicknames (e.g. the father of XXX or the Route to Europe).

Data subjects belong to various linguistic communities (Arabic, Pashto, Dari, Urdu, Tigrinya, Amharic, Edo, and Pidgin English).

The topics monitored are related to asylum in, and migration to, the EU. The social media monitoring has, strictly for its scope, the following categories of topics:

- 1) information about the countries of origin and the push factors that may result in an increase in displacement (internal and external),
- 2) information about the situation in the transit countries (with a focus on Turkey and Libya since the two countries host significant numbers of migrants and beneficiaries of temporary protection,
- 3) information about the means by which members of the above mentioned communities reach the EU (specific attention is paid to

misinformation disseminated by certain Facebook pages and accounts that may encourage illegal movement which, in turn, may result in losses in life); and finally,

4) information about asylum related legal aspects (laws, directives, new procedures) and integration related issues as reflected on major diaspora pages.

Moreover, the monitored posts are gleaned from open sources via the use of keywords in the languages the project covers. In this sense, all the posts are publicly available, appear on public pages, and are shareable by other social media platforms users.”

For the **recipients**, my colleagues have indicated:

“Social media monitoring reports are shared with four categories of recipients:

- 1) EASO staff members (who have official EASO email addresses)
- 2) EU Institutions and Agencies, namely: EC, EUROPOL, FRONTEX, EEAS, EUROPARL, EUROJUST, EU Council, JRC, SATCEN, FRA.
- 3) EU+ Authorities: DE, UK, BE, DK, AU, MT, S, LU, F, CH, NL, IS, RO, NO, IT, EE, EL, PT, IE, CY, ES, SK, PL, HU, FI, SI, CZ, HR. The authorities are mainly ministries and asylum agencies.
- 4) Specific and relevant International Organizations: UNHCR, IGC, IOM, and INTERPOL. EASO does not envisage expanding the list of recipients to other International Organizations.

In regards to correspondence sent by email the data is secured (encrypted) in transport between email servers and clients with Transport Secure Layer (TLS) protocol only if a remote email server allows using it (is configured properly).

In other words EASO email servers apply TLS on best effort basis which is an industry standard.

Most of recipients get emailed only an individual HTTPS link to each report published on EASO platform.

The publishing is secured with TLS protocol as well ensuring EASO is a valid publisher of the content (TLS prohibits spoofing by encrypting published content in transport, in this case between a web server and a browser; it is applied by EASO web servers in every case).

By default the links generated expire after 365 days but this value can be amended (shorten it) per each link during the file sharing setup process”

As far as the **retention period** is concerned, The social media posts of relevance are saved on the social media platforms during the reporting period only. Once the analysis is carried out, the saved posts are deleted.

The SMM team does not save personal data in any form on their devices.

The reports are retained on EASO’s servers for a period of five years by default. There is no particular significance to this retention period.

Moreover, the reports are also saved on the devices of the team members, and are used for further analyses required for further reports.

For the **data processed**, the colleagues have indicated that: “No identifiable personal data is distributed in the reports. Indeed. The only possible element, which could lead to the identification of the data subjects are the public and open source links to the relevant posts. Personal data such as names and phone numbers are not included, and are, indeed, of no relevance to the work of the team.

Additionally, screenshots of public posts may be included in the reports in order to demonstrate marketing tactics utilised by smugglers and document dealers, such as the malicious use of EU/UN logos. Again, all names, personal photos or phone numbers are blurred/blacked out.”

Please note that I have copied above the replies as received. It is also worth mentioning that my colleagues who are running this project have shown

flexibility in “adjusting” (more exactly reducing) the lists of the categories of data processed as well as the recipients (by excluding some of the current recipients) in order ensure compliance.

Thanks once again for your availability to discuss and advise on these.

Best regards,

[Redacted]



European Asylum Support Office

MTC Block A, Winemakers Wharf, Grand Harbour Valletta, MRS 1917, Malta

[Redacted]

Website: www.easo.europa.eu

From: [Redacted]

Sent: Thursday, April 11, 2019 11:54 AM

To: [Redacted]

Cc: [Redacted] European Data Protection Supervisor <EDPS@edps.europa.eu>

Subject: Case 2018 1083: Consultation on EASO social media monitoring reports (SMM)

Dear [Redacted],

Thank you very much for coming back to my email of 18 December 2018 in the above case. To avoid any delays or misattribution of future correspondence, please copy the functional mailbox edps@edps.europa.eu in all exchanges. Due to the upcoming Easter holiday period, I will only be available as of May, e.g. on 2nd or 3rd, for a conference call preferably in the morning between 11h00 and 12h00. Please confirm your availability or make alternative proposals that are more convenient on your side.

However, for preparation and in view of the many questions raised, I would appreciate to receive the requested documentation as well as answers to as many questions as possible upfront.

With best regards,

[Redacted]



[Redacted]

European Data Protection Supervisor

Postal address: Rue Wiertz 60, B-1047 Brussels

Office address: Rue Montoyer 30, B-1000 Brussels

[@EU_EDPS](https://twitter.com/EU_EDPS) www.edps.europa.eu

This email (and any attachment) may contain information that is internal or confidential. Unauthorised access, use or other processing is not permitted. If you are not the intended recipient please inform the sender by reply and then delete all copies. Emails are not secure as they can be intercepted, amended, and infected with viruses. The EDPS therefore cannot guarantee the security of correspondence by email.

From: [Redacted]

Sent: 11 April 2019 09:59

To: [Redacted]

Subject: Case 2018 1083: Consultation on EASO social media monitoring reports (SMM)

Hi [REDACTED]

I would just like to come back to you on the issue of the Social Media Monitoring project for which we have already started a consultation with you.

Following the comments and questions we have received previously from your side, we have had a lot of discussions internally in EASO and my colleagues from our Communications and Stakeholders' Unit (who are in charge of this project) have suggested to consider organising a conference call/skype with you.

We think it would provide for a better chance to provide explanations from our side as regards the outstanding issues about this project. Other colleagues such as from our ICT unit have offered to take part so they can provide more technical info if needed.

If you agree to this proposal, could you please let me know of your availability for a skype call so I can confirm with my colleagues and organise it?

Many thanks in advance.

Kind regards,

[REDACTED]



European Asylum Support Office
MTC Block A, Winemakers Wharf, Grand Harbour Valletta, MRS 1917, Malta

[REDACTED]

Website: www.easo.europa.eu