

EXECUTIVE SUMMARY

This Supervisory Opinion is issued in response to a request for prior consultation from the European Union Agency for Law Enforcement Cooperation (Europol) regarding a planned processing of operational personal data using [REDACTED] a tool designed to assist analysts from Analysis Project ('AP') Twins carry out their tasks, i.e., supporting Member States ('MS') and Third Parties ('TPs') in preventing and combating the activities of criminal networks involved in the sexual exploitation of children.

Most of the datasets processed by AP Twins originate from contributions from MS and TPs. Such contributions include data gathered from seized servers hostings online forums where Child Sexual Abuse Material ('CSAM') is uploaded and shared. In terms of content, these datasets contain vast amounts of conversations and messages, various types of media files as well as Word documents and PDFs. As the number of such contribution is on the rise, AP Twins decided to develop [REDACTED] to efficiently visualise, search and analyse such large volumes of conversations and messages.

The EDPS considers that Europol has correctly identified that using [REDACTED] constitutes a substantial change to an existing processing that would result in high risks for data subjects in the absence of measures adopted by the controller that triggered the obligation to prior consult the EDPS pursuant to Article 90(1)a Regulation 2018/1725 ('EUDPR').

With regard to the lawfulness of the planned processing, the EDPS is of the opinion that Articles 4(1)a and 4(1)y of Regulation 2016/794 ('ER') provide clear legal bases to process personal data using [REDACTED]. The EDPS, however, deems necessary that Europol ensures that only the categories of personal data relating to the categories of data subjects that are listed in Annex II, point B ER ('DSC personal data') are ingested into [REDACTED] and document the outcome of that assessment for every dataset.

The EDPS also deems necessary that Europol implements a series of changes to ensure that the datasets ingested into [REDACTED] comply with the appropriate retention periods. These include ensuring that each dataset uploaded on the tool inherits the date of the original contribution and developing a feature to delete individual entries from such datasets. Similarly, the EDPS also recommends Europol to automate the procedure for the deletion of the datasets ingested in [REDACTED] for which the retention period has expired.

Lastly, the EDPS draws Europol's attention to the fact that the most appropriate datasets to test [REDACTED] would be actual contributions received by AP Twins from MS, as these closely resemble the type of data that will eventually be ingested in the tool. The EDPS recommends that Europol does so on the basis of Article 18(2)c ER for pre-deployment testing, or on the basis of Article 18(2)e and following the procedure laid down in Article 33a ER for testing as part [REDACTED] development lifecycle.

