

## EXECUTIVE SUMMARY

The 'Machine Learning Toolbox' is a set of ten machine learning models developed by Europol designed to process large datasets provided by Member States ('MS') or Third Parties ('TPs') in support of an ongoing specific criminal investigation. Seven of these models were developed in 2020 [REDACTED]

[REDACTED] Three were developed in 2024, and were later integrated within that Toolbox.

Europol envisages to extend the use of these ten machine learning models on personal data that have not undergone the process of categorisation pursuant to Annex II ('non-DSC personal data') of the Europol Regulation ('ER').

The Supervisor notes that it was already consulted back in 2021 on the development of the first seven machine learning models. It therefore decided to focus, in the context of this prior consultation, on the lawfulness of the development of the three new models, the lawfulness of the use of the ten models on non-DSC personal data, and the risks raised by the development and use of the three new models.

When it comes to the lawfulness of the development of the three new models, the Supervisor makes a distinction between the use of operational personal data, and the use of open source personal data. For the former, the EDPS considers the research and innovation regime introduced in 2022 in the form of Articles 4(1)v, 18(2)e, 18(3a) and 33A ER to be an appropriate legal basis. For the latter, it considers that open source personal data can be regarded as operational personal data provided that they are processed with the view of developing models that will be used to support operational analyses, and applies the same reasoning *mutatis mutandis*.

When it comes to the lawfulness of the use of these ten models on non-DSC personal data, the EDPS considers that Europol can rely on Article 18(6a) ER to categorise the personal data contained in such large datasets according to Annex II ER, and on Article 18a to analyse and crosscheck these large datasets in support of an ongoing specific criminal investigation where relevant.

When it comes to the additional risks raised by the three new models and in particular risks related to the underperformance of the models and possible biases, the EDPS proceeds to specific recommendations in order for Europol to avoid the risk of non-compliance with Regulation (EU) 2018/1725.

