

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] an instant messaging solution that can be used for swift information and file exchange and is designed to enhance coordination between Europol, Member States ('MS'), EU Institutions, Bodies, Offices and Agencies ('EUIBOAs'), Third Parties ('TPs') and Private Parties ('PPs') during operations that are spread across diverse geographical areas. [REDACTED] is deployed on Europol's premises, and all of its associated infrastructure and data are hosted and managed on Europol's own servers.

[REDACTED] Given the quantity and sensitivity of the personal data that will be exchanged [REDACTED], and its availability on both managed and unmanaged device, the EDPS considers that Europol correctly identified that the planned processing constitutes a substantial change to an existing one 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 Article 4(1)(h) ER provides a clear legal basis for the processing of personal data [REDACTED]. The EDPS, however, recommends that Europol elicit clearer criteria to decide whether it should set up a [REDACTED] channel in support of a specific operation. It also deems necessary that MS, EUIBOAs or t-TPs specify, in their request for the setting up of a channel, whether it will involve the processing of personal data that fall within the categories of personal data and relate to the categories of data subjects listed in Annex II, point B ER ('DSC data'). Lastly, it deems necessary that Europol complies with the rules on transfers when sharing personal data in [REDACTED] channel that includes participants from EUIBOAs and TPs.

[REDACTED]