

The Hague, 31 October 2024

Mr Thomas Zerdick

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EDPS

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By email via the Europol DPF

Reply to your letter of 1 October 2024 regarding the implementation of Article 33a of the Europol Regulation – (Case 2024-0763)

Dear Mr Zerdick,

I refer to your letter of 1 October 2024 concerning the implementation of Article 33a of the Europol Regulation (ER), in which you requested the provision of information on the state of play and on-going developments supporting the processing of personal data for the purpose of research and innovation projects.

Although at full speed and fully committed to making optimal use of the legal possibilities of Article 33a ER, the practical implementation since the EDPS visited Europol on 23 January 2024 developed differently compared to the plans and expectations Europol had at the time. I seize the opportunity to inform you on the main reasons for that evolution as part of this response letter.

The project most prominently on our radar at the time of the meeting in January was related to the image classifier for Child Sexual Abuse Material (CSAM). The project was deemed of dual interest due to the opportunity to both test and fine-tune the processing tool, and at the same time to get our first experiences with the new Research & Innovation (R&I) set-up.

Unfortunately, the technical implementation of the R&I Sandbox¹ as a separate, isolated, and protected data processing environment for the purpose of research and innovation projects, in accordance with Article 33a(2)(d)(i) ER, had to be postponed. This postponement was due to ICT delivery constraints, which resulted from reprioritisation decisions in favour of other core business related activities.

This did not cause an impediment to R&I in general, but only to projects involving the processing of personal data. The provisions established in Article 33a ER delineate the conditions for processing personal data within the scope of R&I projects. However, Europol's mandate, as articulated in Article 4(1)(v) ER, extends beyond the confines of research and innovation projects that involve personal data processing.

While the CSAM classifier was decided not to become the pilot for the R&I Sandbox and the processing in accordance with Article 33a ER, the Europol Innovation Lab has worked on another R&I project, which is at present in an advanced stage of preparation. It concerns a software prototype that allows users to process low quality audio data, remove background noise, and output high quality audio data for further processing (audio filtering).

This future R&I project will include the use of personal data for research and innovation. It will therefore be handled in accordance with the Article 33a ER and serve as the first case for the Europol R&I Sandbox, which Europol expects to have available in full operation for R&I purposes latest by the end of November 2024.

¹ The Sandbox is also referred to as 'ODIN', which stands for *Operational Data for Innovation*.

Europol Unclassified – Basic Protection Level

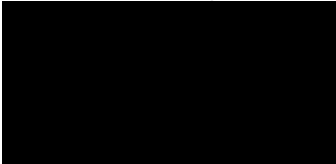
Releasable to the European Data Protection Supervisor (EDPS)

The Research Project Initiation Document (RPID) for audio filtering will be shared with the EDPS as soon as it has been approved within Europol, together with relevant supporting documentation, such as the DPIA and the model card, for information prior to the launch of the project in accordance with the Article 33a ER procedure.

The process description for R&I projects processing personal data is attached as Annex 1 to this letter. The blueprint of the R&I Sandbox environment is attached as Annex 2. The *ODIN Use & Management Policy*, which is being put into force, is attached as Annex 3.

I trust the information provided in this letter and in the annexed documentation is clear and satisfactory. I remain available for any question you may have.

Yours sincerely,



Deputy Executive Director in charge of the Governance Directorate

Annex 1: [EDOC-#1160881-v15-Support R&I projects processing personal data \(Art.33a ER\) \(pr.v.1\)](#);

Annex 2: [EDOC-#1326716-v12-Solution Blueprint RI](#)

Annex 3: [EDOC-#1327390-v4-ODIN \(PD\) - R&I Sandbox \(personal data\) Use and Management Policy](#).