

Council of the EU (ECO)
Transparency Unit (COMM) – your ref: SGS 24/004664

Cc: European Commission (COM)
Michael McGrath – Commissioner
TAXUD. D2; JUST-C1 and C3
European Data Protection Board (EDPB)
Ms Anu Talus – Chair

European Ombudsman (EO)
Teresa Anjinho – Ombudsman – Ref. 2193/2025/MIG

European Parliament -PETI
Dolors Montserrat – Vice-Chair –Ref. 1088/2016

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30 September 2026

Dear Transparency Unit

GDPR Data Transfers| Request to review decision to refuse public access to internal documents

We refer to our recent correspondence¹ following your refusal, on 11 September 2026, to review your original decision dated 12 May 2025 to deny access to internal EU documents relating to international data transfers on the basis that the new facts related to data security, rather than data protection.

The latest reports from the US of a data breach at the [FBI](#) exposing sensitive information on all FBI employees (and a previous report from the [US Treasury](#)) and our previous correspondence confirm that:

- data security and data protection go hand in hand;
- the US is unable to protect the data of EU citizens transferred under FATCA²;
- EU Member States are equally unable to protect such data as it is collected from its citizens³;
- Council legal services and EU Member States are at loggerheads over GDPR Data Transfers.

This underpins the overriding public interest to disclosure and as part of [our complaint](#) to the EU Ombudsman, we request again formally a review of your 11 September 2026 decision, and grant [EU FATCA Petitioners](#) unrestricted and unredacted access to the documents covered by our confirmatory application introduced on 30 March 2025 based on the underlying [Access to Documents request](#) dated 10 February 2025, which are incorporated in this letter by cross-reference. Most documents disclosed were so heavily redacted to be illegible and one document (a Presidency Working Document) was withheld in its entirety.

Filippo Nosedà
Partner

The New York Times

Embarrassing Breach at F.B.I. Fuels Fears of Harm to Its Employees

In an internal memo, the F.B.I. said it believed the hackers may have stolen sensitive information on all of its employees.

28 Sept 2026

¹ See our letters to ECO dated [5 August 2025](#), [6 August 2026](#), [14 August 2026](#), [28 August 2026](#), [7 September 2026](#), [24 September 2026](#); see also EO complaint dated [11 September 2026](#).

² TAXUD reached the same view ("lower standards") as early as [2011](#)

³ This much is clear from the strings of severe data breaches reported in our recent correspondence, including the theft of the entire database of an EEA Member State, the Hacking of the French Tax System, the French Interior Ministry, the French Ministry of Economy and Finance, a Lithuanian registry, the Berlin State Hack, and the Italian government's secure email system.