

Brussels, 28/08/2012

BARRET-BROWN SOPHIE
ILPA Lindsey House 40/42 Charterhouse Street
EC1M 6JN London
UNITED KINGDOM

Dear Sir/Madam,

With reference to your letter of 13/01/2012, I am pleased to inform you that your complaint has been transferred to the EU Pilot application under reference 3909/12/HOME. Please quote this reference in any further correspondence.

It is the Commission's established practice to contact the authorities of the Member State concerned to request information or seek solutions to problems. Only in this way can all the facts and the legal position be confirmed and appropriate conclusions reached.

Since 2008 the Commission has agreed with a number of Member States to work to improve the speed and efficiency of this information-exchange and problem-resolution process through a project, 'EU Pilot'. The Commission aims to ensure that you receive a complete response as quickly as possible through this process. It usually takes ten weeks for a Member State to reply to the Commission. The Commission in turn has ten weeks to analyse the reply proposed by the national authorities concerned. You will then be informed of our conclusions on the matter.

Lastly, it is also in your interest to take legal advice on the means of redress available at national level if you consider that there is a possibility that your rights in law have not been respected. Such means of redress, as a rule, enable you to assert your rights more directly and personally. Where you have suffered loss or damage, for example, only the national courts can award compensation. Furthermore, since there is a time limit on most means of redress, you may lose your rights unless you seek redress quickly.

You are referred to the following Commission documents which explain the Commission's general approach to the management of correspondence and complaints:

- Code of good administrative behaviour for staff of the European Commission in their relations with the public, available on the EUR-Lex website (<http://eur-lex.europa.eu>), published in Official Journal L 267 of 20 October 2000, p. 63.
- Commission Communication on relations with the complainant in respect of infringements of Community law, accessible on the EUR-Lex website (<http://eur-lex.europa.eu>) under the reference of its document number, COM final – year 2002 – number 0141.

- Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Article 5) accessible on the EUR-Lex website (<http://eur-lex.europa.eu>), published in Official Journal L 8 of 12 January 2001, pp. 1–22.

Yours faithfully,

Matthias Oel
Head of Unit

Specific Privacy Statement

EU Pilot database

1. EU Pilot database

The EU Pilot database has been set up to exchange information with the authorities in the Member States in order to respond to the enquiries and resolve the complaints which the Commission receives about infringements of Community law by the Member States.

2. Identity of the data controller

The controller of the processing is the head of unit SG-C3, 'Application of EU Law' in the Secretariat General (SG), European Commission

3. Purpose

The purpose of collecting information in the EU Pilot database is to enable the Commission to exchange information about infringements of Community law with the Member States and thus carry out its task under Article 211 of the EC Treaty to ensure that Member States apply the provisions of the Treaty and the measures taken in application of the Treaty.

4. Information collected

The information collected includes the name and address of the complainant (a person or a legal entity), their telephone and fax numbers and e-mail address, their area of activity, their preferred language, and (if applicable) the name of their representative. The full text of the complaint may, however, contain other data of a very diverse nature provided by the complainant.

5. Data protection and storage

The personal information collected and all information concerning the above activities is stored on the European Commission servers in the Data Centre in Luxembourg, whose operations are covered by the Commission's decisions and provisions on security established by the Security Directorate for this kind of server and service.

6. Who has access to your information?

If you requested confidential treatment, the personal data collected in the EU Pilot database will not be accessible to the national authorities concerned. Access to the personal information is granted only through a user ID and password to a defined population of users of the EU Pilot database. The people who have access to EU Pilot are staff in the Secretariat General and other Commission departments dealing with infringements. In the national administrations, the people with access to EU Pilot are staff in the Government departments dealing with the allocation of cases and overall management of the system or staff responsible for the particular area of law raised in the specific case.

7. How long is the information kept?

When a person sends a complaint or an enquiry to the Commission, the personal information they provide is stored in the EU Pilot database for three years. After that period, the information identifying the person is deleted. Information provided by a legal entity complaining to the Commission is not deleted.

8. Accessing, checking, correcting or deleting your information

You have no direct access to the stored information. Anyone who wishes to verify the personal information about them that is stored in the system, or who wishes to check, correct or delete such personal information, should send an e mail to the Commission department responsible for their case, giving full details of their request.

9. Contact information

If you have a question or request, please contact the EU Pilot support team, operating under the responsibility of the data controller, either by e mail to SG-EUPILOT@ec.europa.eu or by letter to the Secretariat General (SG-C3), European Commission, B-1049 Brussels, Belgium.

10. Complaints

Complaints about the processing of information in EU Pilot should be addressed to the European Commission's Data Protection Officer, e mail address:
DATA-PROTECTION-OFFICER@ec.europa.eu

You may complain at any time to the European Data Protection Supervisor: Rue Wiertz 60 (MO 63), B-1047 Brussels, Belgium, e-mail address: edps@edps.europa.eu.