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AAN E. Hasbrouck
by e-mail: edward@hasbrouck.org

DATUM 17 april 2008
ONS KENMERK z2007-01048
CONTACTPERSOON drs. S. Nas
070 - 8888 518

UW BRIEF VAN 21 augustus 2007
UW KENMERK

ONDERWERP

Dear Sir,

You have asked the Dutch DPA (College bescherming persoonsgegevens) on 14 August 2007 to mediate in your request to access personal data relating to you that were processed by KLM.

Timetable of the mediation

The Dutch DPA has asked you by e-mail of 28 September 2007 to send a copy of the PNR-record from Amadeus you had obtained from the US CBP. On 5 October 2007 the Dutch DPA sent a letter to KLM specifying the request for access based on the information you provided, a file containing earlier correspondence between you and KLM. You immediately received a copy of this letter. KLM responded by letter of 24 October 2007. A copy of this letter was withheld from you for two reasons. First of all KLM claimed that the entire content of the letter was confidential. By e-mail of 5 November KLM confirmed the Dutch DPA could forward this letter to you. However, the Dutch DPA was not convinced this letter would provide an adequate answer to your access request, and proceeded to arrange a conference call between the chairman of the Dutch DPA and the responsible vice-president of KLM. This conference call took place on 10 December 2007. By letter of 10 December 2007 KLM agreed to provide more specific answers to your access request, specifically regarding the issue of controllership. On 7 January 2008 you received a copy of this letter, after the Dutch DPA had verified once more that it was allowed to forward the letter to you, in spite of the fact that the letter was marked 'KLM Confidential'.

In between, on 21 December 2007 you had a personal meeting with the responsible privacy officer of KLM. The Dutch DPA was not present during this meeting.

By e-mail of 5 February 2008 to you and to the Dutch DPA, KLM answered a question regarding access to Amadeus logfiles and promised to answer the question about controllership at the end of February 2008. On 10 March 2008 the Dutch DPA sent a reminder to KLM by e-mail. Another reminder was sent on 25 March 2008, that the answer was due within 1 week. On 2 April 2008, the Dutch DPA received the final answer from KLM to the mediation request. On 14 April 2008 you sent comments on this letter to KLM and to the Dutch DPA.

Results of the mediation

A copy of the letter from KLM is attached to this letter to you. With the letter to KLM summarising the outcome of the access request and the obligation of KLM to inform passengers adequately about their identity as controller and purposes for which data are being processed, the Dutch DPA concludes its mediation and considers the case closed.

BIJLAGEN

BLAD 1 van 2

If you are not
satisfied with
this outcome,

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the Dutch DPA points you to the possibility to bring your access request to a Dutch court. Based on artikel 46, first paragraph of the Dutch personal data protection Act (Wet bescherming persoonsgegevens) you may file an access request with the court, without the need for formal legal representation. You have to do this within a period of 6 weeks. This term starts the day after this letter has been sent to you. For advice about the filing of an access request you may approach the 'Juridisch Loket' (see: <http://www.juridischloket.nl/>) or a lawyer.

Yours sincerely,
On behalf of het College bescherming persoonsgegevens,

mw. drs. S. Nas
senior policy official