

07 -10- 2010

CAB/D/906
CAB/A/1682

Dear Mr [REDACTED]

Thank you for your letter of 3 September 2010 in which you make a number of suggestions for possible amendments to the Data Retention Directive.

I am grateful for the information that you provided on the effectiveness of law enforcement actions without recourse to data retained under the Data Retention Directive, and I take note of your remarks concerning the potentially harmful and unconstitutional nature of data retention.

Reliable data on how law enforcement authorities use data which has been retained is indeed relevant for the evaluation of the Data Retention Directive. That is why the Commission wrote to Member States before the Summer requesting information over a six month period on the number and kind of convictions, acquittals, cases that were closed or discontinued, or crimes that were prevented by using retained data, including the number and type of data that were accessed and used.

The additional information provided in response to that request should assist the Commission in assessing whether the Data Retention Directive continues to be necessary to investigate and prosecute serious crimes including terrorism.

Without wishing to anticipate the conclusions that the Commission will draw from the evaluation of the Directive, I do not at this stage see any reason to envisage a differentiated application of the Directive if the evaluation comes to the conclusion that the retention of data is necessary and proportionate.

Yours sincerely,

[REDACTED]

Cecilia MALMSTROM

[REDACTED]
Arbeitskreis Vorratsdatenspeicherung
[REDACTED]

[REDACTED]