



EUROPEAN DATA  
PROTECTION SUPERVISOR

PETER HUSTINX  
SUPERVISOR

Brussels, 17 February 2009  
PH/IC/kit (D(2009)275 C 2008-0643

Dear

Please find attached the decision of the EDPS on your complaint in the above-referred matter.

As to your comments received on 9 February 2009, please note that the EDPS is of the opinion that the FRA has a certain margin of discretion in the legitimate exercise of official authority vested in it. On the basis of the information provided, the EDPS does not have any reason to believe that the collection of your personal data by the FRA, and the investigation as such, were not legitimate under Regulation (EC) 45/2001.

We also would like to inform you that certain aspects of your complaint, which seem to relate to a case of maladministration by the FRA, might give rise to a complaint before the European Ombudsman.

Please be informed that you may ask for a revision by the EDPS of the present decision within one month after receiving this letter. The request for revision should be lodged at the EDPS in writing and contain new elements or legal arguments which so far have not been taken into account by the EDPS.

Please note that you may directly act against this decision before the Court of Justice of the European Communities, according to conditions laid down in Article 230 of the EC Treaty.

Yours sincerely,

Peter HUSTINX

*Annexes :*      Decision  
                    Copy of letter to Mr Kjaerum (FRA)

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