



EUROPEAN COMMISSION
Internal Market and Services DG

Director-General

Brussels, 30 MARS 2009 - 56366
DG MARKT/E3/D(2009) - ARES 57211

Peter Hustinx
EDPS
Rue Wiertz, 60
B-1047 Brussels

**NOTE FOR THE ATTENTION OF MR. PETER HUSTINX
EUROPEAN DATA PROTECTION SUPERVISOR**

Subject: Commission Recommendation on data protection guidelines for IMI

Dear Mr. Hustinx,

Please find attached the Recommendation on data protection guidelines for IMI adopted by the Commission on the 26th of March. The guidelines have been already distributed to all IMI coordinators and presented in the IMAC-IMI meeting of the 26th of March.

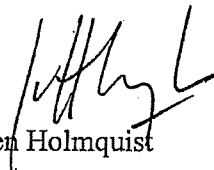
The Recommendation complements the IMI Decision (2008/49/EC) and provides practical guidance to IMI coordinators and competent authorities in the Member States on how to comply with data protection rules when using the Internal Market Information System. The guidelines are the result of close cooperation between our services and we would like to express our gratitude to Zsuzsanna Belenyessy and Hielke Hijmans for their support and expertise over the last months.

We regard this Recommendation as the first deliverable of the step-by-step approach agreed in our exchange of letters last year. The next step will be the comitology decision setting out the practical arrangements for the exchange of information by electronic means under the Services Directive. Once this decision has been adopted, it is our intention to consult the Legal Service on possible further measures.

Furthermore, as indicated in the section "Work in progress" of the guidelines, future versions of IMI will include data protection-friendly improvements aimed at reducing storage periods, minimising the processing of sensitive data and facilitating the rectification, erasure or blocking of personal data which are inaccurate or which have been unlawfully processed.

Last but not least, in 2010 a Commission report will assess the data protection situation in IMI as well as the content and timeliness of any future measures including the possible adoption of a legal instrument. This should contribute to the general acceptance and use of IMI all over Europe from a data protection perspective.

My services remain at your disposal for any further information and I look forward to continuing our cooperation in the future.


Jörgen Holmquist

Contact: Leonardo Cervera-Navas, Telephone:(32-2) 292965859,
Leonardo.Cervera-Navas@ec.europa.eu

Enclosure: Commission Recommendation

c.c.: Mr. Buttarelli, Mr. Berardis, Mr. Renaudière, Mr. Leapman, Ms.
Martin-Prats, Ms. Brumter, Mr. Cervera-Navas, Ms. Pankauke