Dear Mr. [Name],

Thank you for your letter of 22 June in which representatives of civil society organisations express their concerns about the Data Retention Directive and request me to propose its repeal, in favour of alternative means of ensuring the availability of telecommunications traffic and location data for the investigation, detection and prosecution of serious crimes.

As you are aware, the Commission is currently carrying out an evaluation of the application of the Data Retention Directive by EU Member States with a view to reporting to the European Parliament and the Council later this year.

Let me take the opportunity to thank you for your contribution to the evaluation process at the conference "Towards the evaluation of the Data Retention Directive" of 14 May 2009 and for responding to the questionnaire that was sent to stakeholders¹.

I appreciate your observations, not only regarding the impact of the retention of traffic and location data on data protection, private life, social and business contacts, but also concerning the impact on the market and on consumers, and regarding the effectiveness of data retention for law enforcement. I will ensure that they are given due consideration in the evaluation process.

Data retention was and still remains a sensitive issue because of the scale of the retention of data and related data protection concerns, as well as the potential for law enforcement authorities to detect and investigate crime. The ongoing evaluation will inter alia assess whether the Directive remains proportional in the light of the experience that has been gathered since it entered into force.

Your letter refers to studies demonstrating that the communications data available without data retention are generally sufficient for effective criminal investigations, and that data retention is harmful and unconstitutional in many European Member States. I encourage you to provide me and my services with further details about these studies so that they can be taken into account in the evaluation process.

¹ to which 70 replies were received and which I have published on the website of the Directorate General for Home Affairs. [http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_0008_en.htm](http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_0008_en.htm)
I am committed to presenting a report that takes all relevant information as well as the views of all stakeholders.

Yours sincerely,

[Signature]

Cecilia Malmström

cc. Mrs Viviane Reding, Vice President
    Mrs Neelie Kroes, Vice President