



Mr Nico HILBERT
Deputy Data Protection Officer
European Commission
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Brussels, 10 January 2006
JBD/SLx/ktl D(2006)023 C 2005-0410

Dear Mr. Hilbert,

Following the telephone conversation of 9 January 2006 with Ms. Sophie Louveaux, we have considered the opportunity of submitting this case for prior checking. In your submission for prior checking on 21 December 2005, you mention that the case qualifies for prior checking under Article 27.1 of Regulation 45/2001 and that furthermore you would like us to verify whether the conditions under Article 10.6 are verified.

After analysis, it seems to us that there are no specific risks which would qualify the case for prior checking under Article 27.1 other than the use of an identification number, which does not by itself qualify the case for prior checking. Therefore we would not qualify the case as a prior checking case unless you should demonstrate the existence of particular risks to the rights and freedoms of the data subjects. This does not however mean that, should you so wish, the conditions under which a personal identifier could be used could not be analysed in this particular case, under Articles 24(1)(b) and 46(d). Please let us know.

Best regards,

Joaquín BAYO DELGADO
Assistant European Data Protection Supervisor