

THE PRACTICAL NOMAD

EDWARD HASBROUCK

1130 Treat Avenue, San Francisco, CA 94110, USA
phone +1-415-824-0214
edward@hasbrouck.org
<http://hasbrouck.org>

The Practical Nomad: How to Travel Around the World (3rd ed. 2004, 4th ed. 2007)
The Practical Nomad Guide to the Online Travel Marketplace (2001)
<http://www.practicalnomad.com>

14 August 2007
(by e-mail and registered airmail)

College Bescherming Persoonsgegevens
(Dutch Data Protection Authority)
P.O. Box 93374
2509 AJ The Hague
The Netherlands

phone +31-70-888-8500
fax +31-70-888-8501
info@cbpweb.nl

Request for mediation

Dear Sir or Madam:

This is a request for mediation pursuant to the Wet bescherming persoonsgegevens [Dutch Data Protection Act] and the instructions on your Web site at <http://www.dutchdpa.nl>.

On 3 April 2007, I requested access to my personal data from KLM Royal Dutch Airlines (a Dutch subsidiary of the Air France KLM Group of companies). On 10 August 2007, I received by e-mail from KLM a partial response to my request. Although this message does not mention most of my specific requests, which remain unanswered, it appears that the e-mail from KLM to me on 10 August 2007 was intended to be a “decision” on my request.

I have attached my complete correspondence with KLM concerning this request. (To protect my privacy in the copies sent by e-mail, I have redacted my passport number and date of birth from the electronic copy of the last page of KLM’s letter to me of 20 July 2007. However, I have included unredacted photocopies of the original page in the copies sent by mail.) I also spoke at length by telephone with Mr. Klaas Bruin, Privacy Officer for KLM, on 6 August 2007.

Although I understand that the CBP is not responsible for enforcement of the EU Code of Conduct for CRS’s, I have attached a copy to assist you in understanding the context and the other aspects of this request. To date, KLM has neither acknowledged nor provided any response whatsoever to any portion of my request pursuant to the code of Conduct for CRS’s.

Mr. Bruin informed me, in his e-mail messages of 7 June 2007 and 27 June 2007, as attached, that he discussed my request "informally" with someone at the Dutch DPA (CBP). But I do not know with whom at the CBP he discussed my request, and I have received no further information about those discussions.

I wish to have the opportunity to observe and/or participate in any telephone calls, meetings, or other discussions between you (the CBP), KLM, an/or or any other parties concerning my request, either by telephone or if necessary by personal attendance or through a representative. As I am a resident of the USA and do not speak or read Dutch, please give me as much advance notice as possible of any such meetings or telephone discussions, so that I have time to make arrangements for attendance, translation, interpretation, and/or representation.

My correspondence and telephone discussions with KLM have been entirely in English. (I note with thanks KLM's willingness to accommodate my lack of knowledge of Dutch.) If this request must be made in Dutch, or if any of your mediation will be conducted in Dutch, please advise me so that I can arrange for the necessary translation and/or interpretation.

I am now travelling, and do not expect to be back in the USA until July 2008. To avoid delay, please reply by e-mail and please send any postal correspondence related to this request to Mr. James P. Harrison, my attorney in this matter, at the following address:

Mr. James P. Harrison, staff attorney
First Amendment Project
1736 Franklin St., 9th Floor
Oakland, CA 94612
USA
tel. +1-510-208-7744
jph@well.com

I hereby authorize you (CBP), KLM, and your agents, sub-agents, contractors and subcontractors to discuss this matter with Mr. Harrison, and to disclose to him, as my attorney and agent, any of my personal information.

It is my understanding, from reading the unofficial English translation of the Wet bescherming persoonsgegevens [Dutch Data Protection Act] on your Web site, that the time limit for me to make a formal complaint to the CBP or request to a Dutch court will automatically be stayed, and the deadline extended, while this request for mediation is pending. If this is not correct, please inform me as soon as possible, as I do not wish to waive any of my legal rights.

If you have any questions, please do not hesitate to contact me or Mr. Harrison. I am currently in Buenos Aires, Argentina (GMT - 4) and expect to be here through at least 17 September 2007. You can reach me here at USA telephone numbers +1-415-692-6728 (temporary) or +1-415-824-0214 (permanent).

Sincerely,

Edward Hasbrouck

Attachments:

Hasbrouck to KLM, 3 April 2007
KLM to Hasbrouck, 20 April 2007
(with 2 attachments: partial copy of 1 PNR and Article 29 Working Party document)
Hasbrouck to KLM, 20 April 2007
KLM to Hasbrouck, 23 April 2007
Hasbrouck to KLM, 5 June 2007
Hasbrouck to KLM, 25 June 2007
KLM to Hasbrouck, 27 June 2007
KLM to Hasbrouck, 20 July 2007 (8 pages)
Hasbrouck to KLM, 1 August 2007 (9 pages)
KLM to Hasbrouck, 6 August 2007
KLM to Hasbrouck, 10 August 2007

CBP fact sheet for data subjects on mediation (English)
Code of Conduct for Computerized Reservation Systems (CRS's)

CC (by e-mail and registered e-mail):

Mr. Klaas Bruin
Corporate Privacy Officer
KLM Royal Dutch Airlines
Privacy Office – AMSPI
P.O. Box 7700
1117 ZL Schipol Airport
The Netherlands

phone +31-20-648-9636
fax +31-20-648-8074
Klaas.Bruin@KLM.COM

CC (by e-mail):

Mr. Gary Bunce
Assistant General Counsel, Northwest Airlines)
gary.bunce@nwa.com

Mr. James P. Harrison
Staff Attorney, First Amendment Project
jph@well.com

Mr. Erik Josefsson
European Affairs Coordinator, Electronic Frontier Foundation
erik@eff.org

Ms. Sophie In't Veld
Dutch Member of the European Parliament)
Sophie.intveld@europarl.europa.eu

