

## A few facts about the "PNR"

### USA-PNR

A selection of passenger data transferred to the US:

- Name and address and e-mail address
- Planned departure dates and itinerary
- Payment, credit card number
- Billing address and telephone numbers
- Frequent flyer messages
- Travel agent, processor and date of reservation
- Information on the ticketing - "general" comments (particularly tricky and risky: This entry is designed as a free text field!)
- Airline ticket and seat number
- Complete information on baggage
- Special service requirements such as food preferences

On 20 May 2011 the Commission achieved a draft agreement with the US: <http://www.statewatch.org/news/2011/may/eu-usa-pnr-agreement-20-5-11-fin.pdf>

Since 2007, the European Union negotiates with the U.S. on how the data should be transferred there to be treated or processed. Bis heute ohne Abschluss. Up to date without final conclusion.

The protection of personal data in the US is, however, far less important than in Europe. It is not clear what exactly happens to the European data once transferred to the US. Questions regarding the use of the data, the access conditions and the authorities accessing the data are not sufficiently clarified. An adequate level of data protection in the US is therefore far from being guaranteed.

Recently, the conclusion of the heavily criticised **SWIFT-agreement** between the EU and the US permits the US the access to bank transfer data of all European citizens. This agreement proves that data protection rights in the context of transatlantic exchange do not exist in practice.



### EU-PNR

Within the framework of the new EU PNR Directive, all PNR of European flight passengers should now be stored and (theoretically) deleted after five years. This retention period is arbitrary and goes far beyond of what is necessary to achieve the aim of crime fighting purposes.



There were, and still are, proposals to store further data, for instance when European citizens travel by **ship, ferry, bus or train**. In some countries, train tickets are already personalised and travel can be denied if you refuse to show your ID.

## What is it about?

Passenger Name Records (so-called PNR-data) are collected by airlines and stored en masse, in order to increase the "service" for passengers and in addition for advertising and marketing purposes.

Due to great pressure from the US, the European Union decided already in 2007 to transfer PNR to the US. Similar arrangements with Canada and Australia exist. The terms and conditions of these agreements are currently being renegotiated (**USA-PNR**).

If European airlines intend to fly through US airspace, the US government is forcing them to transmit the PNR to the Department of Homeland Security. This even applies in situations in which the airline does not land in the US.



The justification for the storage of the data of **all** passengers is - as always - the fight against terrorism.

In addition, on 02/02/2011 the European Commissioner responsible for home affairs, Malmström, tabled a proposal for a EU Directive introducing a **Europe-wide system** for recording and storing the data of all flight passenger data in Europe (**EU-PNR**).

So far, there is no reasonable assessment of the effectiveness of the measure. In addition, there are serious concerns with regard to the use and storage of the PNR. The possible serious consequences for innocent people are not yet evaluated. As a result, the restriction of the freedom of travel has a negative effect on the free development of individuals and their society.

Further informations are being provided at:

<http://wiki.vorratsdatenspeicherung.de/PNR>

#### Editor of this flyer:

German working group on data retention, local group Hannover, March 2011  
<http://wiki.vorratsdatenspeicherung.de/Hannover>

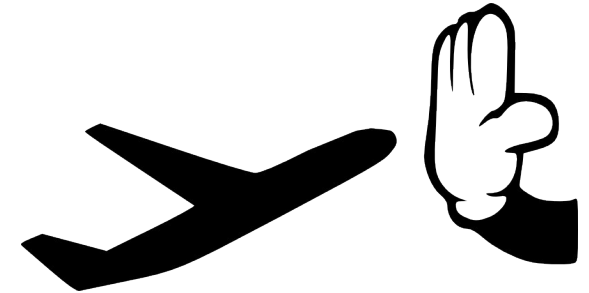
Part of this flyer are taken - with permission - from:  
[www.nopnr.org](http://www.nopnr.org) - Thanks!

Information on the german working group on data retention: [www.vorratsdatenspeicherung.de](http://www.vorratsdatenspeicherung.de)

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## Retention of flight passenger data

On the retention of flight passenger data,  
risk analysis  
and the value of freedom of movement

## Our concerns, our criticism

- The gathering of flight passenger data is another form of data retention which leads to the collection and use of data of **all flight passengers in absence of any initial suspicion** against them.
- **The benefit of the entire procedure is highly doubtful.** In any case, there is no evidence so far that the mass retention and analysis of flight passenger data actually contributes to the prevention or solution of criminal offences. An objective and independent assessment of the need of the planned measures is however the precondition for such a far reaching restriction of fundamental rights.
- The analysis of the data permits public authorities to draw **detailed conclusions about the private life** (religion, sexuality, lifestyle habits) of individuals.
- The data can be used for doubtful **mass profiling** which is, according to the German Federal Constitutional Court, only allowed in very specific and individual cases.
- The data is collected by private airlines; the **accuracy of the data can therefore not be verified**. Misjudgements and wrong accusations leading to dramatic consequences for individuals are possible.
- The **privacy standards** in the US and in other third countries are far below those of the EU. There is no fundamental right to informational self-determination/data protection and access rights are difficult to enforce (concerns US PNR).
- The **definition of the crimes** in the EU-PNR proposal base on the rather broad terms of the EU arrest warrant. Although it was initially intended to restrict the use of PNR to fight crimes related to terrorism, the definitions now include organized crime, child pornography, manslaughter, computer crime, fraud and/or counterfeiting and trademark piracy.
- By transferring private data collected by private airlines for economic purposes to public authorities that use the data for crime fighting purposes, the **purpose limitation principle**, which applies to each processing of data, is not respected.
- Even if data should only be transferred by using the so-called "push method" (data are only transmitted upon request) instead of the "pull method" as foreseen in the EU-PNR proposal, it is not guaranteed that this method is **not used in a disproportionate way**.



## The right of free movement

The existing and planned PNR measures restrict the free movement of people.

In the same way as some people do not travel any more to the US because they refuse to give their data and fingerprints to US authorities, the planned EU-PNR systems could also result in wide-ranging restrictions on the freedom of travel within Europe.

Incorrect decisions, wrong data sets, precautionary measures and the feeling to be watched, monitored and recorded in absence of an initial suspicion worries people, restricts our freedom and hinders international projects and/or the exchange of ideas.

We see the retention of flight passenger data as a **threat to an open and innovative development of our society**, a limitation of international exchange of thoughts and ideas as well as cross-border projects.



## What others say



Austrian data protection experts have founded the group **NoPNR**.

They claim:

*"We urge the EU to abandon its plans to adopt a EU-PNR system. The EU should not use PNR data or transfer them to third countries. The discussion about the EU-PNR systems shows that all travel movements of innocent individuals are to be monitored. This form of "total surveillance" must be prevented. Otherwise, the protection of privacy and civil liberties is at risk. **The monitoring of travel movements of citizens in absence of an initial suspicion is a non-justified interference with the fundamental right to privacy/private life!** As the data are exclusively collected by private airlines, the accuracy of the data can not be guaranteed. Mistakes arising in this context may lead to serious restrictions to the freedoms of individuals concerned."*

Source: <http://www.nopnr.org/>



After having assessed the planned EU-PNR proposal in March 2011, the recognized Freiburg **Centre for European Policy** (Centrum für Europäische Politik, CEP) comes to a devastating result:

The Think Thank calls for the withdrawal of the proposed directive. The planned analysis of flight passenger data would violate the fundamental right to data protection and the principle of subsidiarity. The usefulness of the measure must also be called into question. The CEP additionally warns against the total monitoring of tourism:

**"The Commission must accept that there is no complete protection against serious crime and/or terrorism. Only an all-encompassing surveillance state could solve this problem".**

Source: [http://www.cep.eu/fileadmin/user\\_upload/Kurzanalysen/Fluggastdaten/KA\\_Fluggastdaten\\_saetze.pdf](http://www.cep.eu/fileadmin/user_upload/Kurzanalysen/Fluggastdaten/KA_Fluggastdaten_saetze.pdf)



# Bundesrat

The **Federal Council of Germany** considers the

initiative of the European Commission to collect and evaluate flight passenger data as immature.

There are **"serious concerns"** about the draft directive (statement adopted on 18/03/2011). Questions regarding the need to ensure a **"maximum degree of privacy"** remain open.

The Council therefore proposes a **"comprehensive constitutional review of the concept of passenger data"**.

Source: <http://www.heise.de/newsticker/meldung/Bundesrat-tadelt-Plan-zur-europaeischen-Fluggastdaten-Sammlung-1210776.html>



The **EU Data Protection Supervisor, Peter Hustinx**, calls for extensive improvements for the proposed legal bases for the transfer of flight passenger data to third countries. The conditions for the collection and processing of flight passenger data must be **"considerably restricted"**.

Of **particular concern** is the use of PNR for risk analysis and profiling purposes.

Source: [http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2010/10-10-18\\_PNR\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2010/10-10-18_PNR_EN.pdf)