

## A few facts about the "PNR"

### USA-PNR

Excerpt from the public filings with the U.S. data set:

- 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

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. To date, no qualifications.

The protection of personal data in the U.S. has a much less important than in Germany. It is unclear exactly what happened with European / German data. Who gets to what extent access to the data remains unclear, the use of the data is not strictly regulated. Adequate protection may not therefore be guaranteed.

Most recently, the controversial **SWIFT agreement**, which the U.S. major bank to transfer data of all Europeans will have access to proven, that there is a right to informational self-determination in this context does not actually exist.



### EU-PNR

These are in the new EU Directive on the registration of all European air passenger data stored data is (supposedly) will be deleted after five years again, after a first attempt for such a monitoring exercise in 2007 initially by strictly necessary 13 years data retention period said. The retention period of five years is arbitrary.



There were and still are the considerations in the context data to include all, even if Europeans travel by **ship, ferry, bus or train**.

## What is it about?

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

Due to great pressure from the United States, the European Union decided in 2007 the transfer of passenger data to the United States of America. And to Canada and Australia, these data are reported. The terms of this agreement are currently being renegotiated (**USA-PNR**).

U.S. government is forcing european airlines to transmit the data to the Department of Homeland Security. Even in cases in which U.S. soil is never entered.

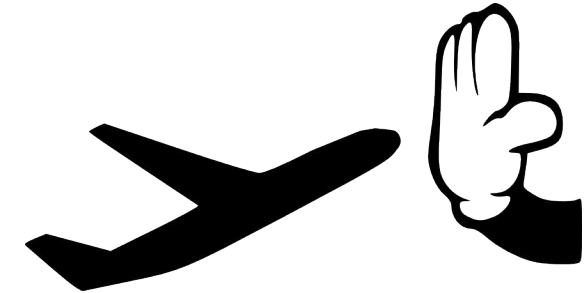


The justification for the event-free storage of the data of all passengers is - as always - the fight against terrorism.

In addition, the European Commissioner inner Malmström on 02/02/2011 Proposal for a further, **additional EU Directive** introduced the, after a Europe-wide system for recording and storing the data of all passenger flights in Europe is to be created for the (**EU-PNR**).

On the effectiveness of this measure, there is no reasonable investigation. In addition, we see great concerns about any treatment and storage of these data, and the great danger of drastic consequences for innocent people.

A concomitant restriction of freedom of travel damages the free development of individuals and their society.



## Passenger data retention

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

### Editor of this sheet:

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

Part of this flyer come - 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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## Our concerns, our criticism

- An airline passenger data collection is an unacceptable data retention, the retention of a generalized data on all passengers out, **without any concrete suspicion** against the people there.
- **The benefit of the entire operation is highly doubtful.** In any case, there was as yet no evidence and no investigation as to whether and what meaning to combat these crimes can measure. An objective and independent investigation, however, and the evaluation of those results must be the basis for such a far-reaching limitation of fundamental rights.
- There can be many questionable **conclusions about the private life** (religion, sexuality, lifestyle habits) for the control of state authorities withdraw.
- The data can, for doubtful and error-prone profiling can be used. An accompanying **dragnet investigation** should be used only in individual cases, following decision by the German Federal Constitutional Court .
- The private data is collected by private airlines, **the accuracy of the data is therefore can not to be verified.** Threaten misjudgments and assessments, drastic consequences are possible.
- The **privacy standards** in the U.S. and other third countries are far below those of the EU. There is no fundamental right to informational self-determination there do not make requests for information to be difficult or impossible (concerning US PNR).
- The **definition of the crime**, the defense or prosecution investigator to the passenger data to be able to access, is the rather broad terms to the EU arrest warrant attached the. Including not only crimes of organized crime, child pornography or manslaughter fall as well as computer crime, fraud and counterfeiting and piracy. It was originally intended to go but only to combat terrorism (concerning EU-PNR).
- A **necessary adequate fencing** for the processing of the data has been passed is not yet apparent.
- While it is expected to dispense with the so-called "pull method" in favor of "push" techniques, that is, the data is transmitted only upon request. However, there is concern that a **disproportionate amount** in legal use is made of this (concerning EU-PNR).

## The right to freedom of movement

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

Just as today some people do not travel more in the U.S. because they are not the U.S. authorities of their data and their fingerprints to entrust so could result in a wide-ranging collection of data on all passengers like restrictions on the freedom of travel.

Mistakes, incorrect data bases, "Precautions" and the oppressive feeling of being in all his travels and movements, including recorded and monitored independently suspected harmful to the people, narrows our freedom and prevent international exchange and important meetings across all boundaries.

We see this as a threat to a free, innovative and lively development of our society and the limitation of the international exchange of thoughts and ideas as well as cross-border projects.

## And what say others?



Austrian-critical data protection experts have founded the group **NoPNR! - No data on the death penalty.**

NoPNR declared a task out-of PNR data to third countries:

*"Under these circumstances we demand that the EU may give no PNR data to third countries in cases of providing for imposition of the death penalty! With the new PNR agreement, however, the possibility that the EU data provided by criminal sanctions, and the death penalty cause. The death penalty is, however, violation of elementary human rights is one - the violation of the right to life. No legal system in the world can guarantee absolute accuracy. Any miscarriage of justice in imposing the death penalty is therefore irreversible."*

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



The recognized Freiburg **Centre for European Policy (CEP)** is found in an assessment of the proposed European directive on passenger data storage (EU-PNR) in March 2011 to a devastating result:

The Think Thank withdrawal demands of the proposed directive. With the planned passenger data analysis would violate the fundamental right to privacy and the principle of subsidiarity. The usefulness of the evaluation must also be questioned. CEP also warns against a total monitoring of tourism: **"The Commission must accept that there is complete protection against serious crime and terrorism is not one. This would at best be an all-encompassing surveillance state to have a price."**

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



**Bundesrat** The German Federal Council judges the initiative of the European

Commission to collect and evaluate of air passenger data for EU-PNR as immature. There were **"serious concerns"** about the draft directive, said in a statement adopted on 18/03/2011.

Issues in the need to secure a "maximum degree of privacy" remained open. The upper house considers it a **"comprehensive constitutional review of passenger data"** approach is necessary.

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



The **EU Data Protection Supervisor Peter Hustinx** has extensive improvements to the EU Commission outlined the new bases for the transfer of air passenger data to third countries favor. This would mean, the conditions for the collection and processing of air passenger data **"significantly restricted"**.

**Of particular concern** is that the personal information of travelers on risk assessment and profiling will be used.

Source: <http://www.heise.de/newsticker/meldung/EU-Datenschutzler-fordert-Nachbesserungen-beim-Flugdatentransfer-1121970.html>