

23rd September 2003

EUROPEAN AIRLINES URGE SOLUTION TO DATA-PROTECTION IMPASSE

The Association of European Airlines, which represents all the major European airlines flying across the North Atlantic, has proposed a solution to the legal stalemate which has arisen between the EU and the USA on the transfer of information about passengers.

In the context of heightened anti-terrorist security, airlines have been required to give US Homeland Security authorities access to their computer reservations data. While the basic data contained in the Passenger Name Record is essentially neutral, the PNR is also routinely used to store other information which may help the airline in providing a service to the passenger, but may also involve more personal details.

Several rounds of talks have taken place between the European Commission and the relevant departments of the US Administration. However, it has not been possible to come to an agreement which satisfies both the US requirements and European data-privacy concerns. Hence, the airlines find themselves caught between two conflicting sets of rules and hope that the ongoing discussions lead to an agreement in the very near future.

AEA has urged the Commission with a letter to Commissioner Bolkenstein on 18 September, to give serious consideration to a proposal developed by the Austrian Data Protection Agency. This proposal involves the data to be provided by the airlines to a zero-risk short term storage environment under EU government control, where it can be filtered by the EU government authorities according to bilateral (or international) agreements. Controlled access would then be permitted to the foreign government authorities.

The concept, which AEA believes could facilitate the resolution of the dispute, could be implemented within a short period of around six months, providing early agreement is reached on three key issues:

- . its acceptance in principle by the EU and the US;
- . definition of the legal basis for the functioning of the central storage and filtering system;
- . recognition that implementation and operation of the system should be publicly funded, and not constitute an additional cost burden for the hard-pressed airlines operating in this key market.