Use of passenger name record (PNR) for law enforcement purposes

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The Council held an exchange of views on the working method to be followed for the coming

months, and on a number of topics, in relation to the proposal for a Framework Decision on the use of passenger name records (PNR) by Member States' law-enforcement authorities.

Following the discussion, the Council confirmed its resolve to progress work on this proposal, involving partners such as the European Parliament, the personal data-control authorities and the Agency for Fundamental Rights.

It also agreed that work over the next few months should seek to gradually identify the essential features that the European PNR system should satisfy, on the basis of the following points in particular:

- priority to be given to the substance of the decision, with the legal basis being examined in the light of that substance;
- a balance to be sought between the need for a common tool and the flexibility which Member States may turn out to need;
- consideration based on operational use of data, which appears to be twofold: firstly in real time, resulting in action upon arrival of a flight, and secondly after the event, as part of investigations;
- examination of privacy protection in the light of the intended uses and with the incorporation of standards drawn up at European and national level;
- practical examination of technical arrangements for data collection, treatment of transit flights, the respective roles of passenger information units (PIUs) and relevant law-enforcement authorities, and the content of exchanges of information between PIUs.

The specific nature of the work to be carried out in the various areas in many cases makes it very helpful to bring into the discussions those with suitable technical competence. Involvement of the European Parliament in proceedings, by appropriate means, will also allow a constructive dialogue with that institution, which is particularly watchful as regards this proposal.

Since 9/11, law-enforcement authorities around the world have come to realise the added value of collecting and analysing so-called PNR data in combating terrorism and organised crime. PNR data are related to travel movements, usually flights, and include passport data, name, address, telephone numbers, travel agent, seat and other information. The PNR data of a certain passenger usually do not contain all PNR fields, but only those that are actually provided by the passenger at the time of the reservation and information received upon check-in and boarding. It must be noted that air carriers already capture the PNR data of passengers for their own commercial purposes, but that non-air carriers do not capture such data. The collection and analysis of PNR data allows the law enforcement authorities to identify high-risk persons and to take appropriate measures.