

# Resolution on the EU/USA negotiations on the transfer of personal data by airlines in the case of transatlantic flights

2003/2568(RSP) - 09/10/2003 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution by 445 votes to 31, with 21 abstentions. The resolution was drafted by Johanna BOOGERD-QUAAK (ELDR, NL). The resolution refers to the fact that, since 11 September 2001, the USA has put into place various measures to strengthen border controls. As of 1 October 2003, only passengers with a 'machine readable passport' are able to enter without a visa and passengers in the near future will be required to have a passport containing biometric data. Parliament stated that the data protection provided by the US authorities is inadequate, because: - the objective that would justify obtaining and storing data remains unclear and is not restricted to fighting terrorism. There is a risk, therefore, that the data could be used for other purposes, including transfer to other services of the US administration or to third parties; - the number of items of data required (39 different passenger name record elements) seems excessive and is out of proportion to the aim pursued; - the retention of data (6/7 years) seems unjustified, particularly with regard to persons that do not present any risk to the country's security; - the undertakings envisaged by the US administration seem not only insufficient, but also do not represent obligations. This means that they cannot be invoked before a court either by the EU or by passengers; Parliament asked the Commission to ensure the following conditions for data transfer: - there is no discrimination against non-US passengers and no retention of data beyond the length of a passenger's stay on US territory; - passengers are provided with full and accurate information before purchasing their ticket and give their informed consent regarding the transfer of such data to the USA; - passengers have access to a swift and efficient appeals procedure, should any problem arise, The Commission is also asked to evaluate the efficacy of EU-US police cooperation in the fight against terrorism, and its respect for fundamental rights. The compatibility of those two aims needs to be examined. Parliament also felt that the compatibility with Directive 95/46/EC with other projects must be investigated. It referred particularly to the introduction in the EU of passports with electronic chips on which biometric data can be stored. Finally, the Commission should take steps to facilitate the implementation of computer-based filter systems for controlled access to passenger data such as the Secured Short-Term PNR Store project developed by Austrian Airlines and the Austrian Data Protection Authority.