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Issued by the Article 29 Data Protection Working Party

Following the events that took place in Paris on 7 and 8 January 2015, the potential establishment of an EU PNR system took over the international headlines. The members of the Article 29 Working Party discussed this issue at their plenary meeting of 3 and 4th February on the basis of the analysis contained in the group's previous opinions.

The Article 29 Working Party reaffirms that the extent and indiscriminate nature of EU PNR data processing for the fight against terrorism and serious crime is likely to seriously undermine the right to the protection of private life and personal data of all travelers as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

The Article 29 Working Party recalls that it is not in principle either in favour of or opposed to PNR data collection schemes. However, such an interference with the fundamental rights would be permissible only if its necessity was to be demonstrated and the principle of proportionality respected.

Should the necessity of an EU PNR scheme be demonstrated, then in order to ensure proportionality for both collection and subsequent use of PNR data, the scheme should provide sufficient data protection safeguards. Such possible safeguards were already presented by the Article 29 Working Party in its previous works¹. The WP29 members are therefore willing to engage constructively in the discussion on any future EU PNR scheme so as to ensure its compliance with the Charter of Fundamental Rights and the European data protection framework.

Background information

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

http://ec.europa.eu/justice/data-protection/index_en.htm

¹ 1 See Opinion 7/2010 on European Commission's Communication on the global approach to transfers of Passenger Name Record (PNR) data to third countries, adopted on 12 November 2010 (622/10/EN WP 178) and letter sent to the Chair of the LIBE Committee on negotiations on the Proposal for a Directive on EU PNR on 12 June 2012.