



**Press Release**  
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**Brussels, 6 December 2007**

**ARTICLE 29 DATA PROTECTION WORKING PARTY**

*The Art. 29 Working Party is concerned about the current Commission proposal for a European PNR regime given that no pressing need for such a wide ranging measure could be presented and calls on the Council to make major improvements.*

*The EU-US PNR agreement has still to be implemented and further efforts are needed to fill the data protection provisions of this deal with life.*

**EU PNR Regime:** The Art. 29 Working Party expressed its serious concerns about the proposal for a Framework Decision on the use of PNR data for law enforcement purposes which had recently been brought forward by the Commission. Major improvements are necessary and an open debate has to take place before such a wide ranging measure could be adopted. The EU Data Protection Commissioners find that the proposal is too closely modelled on the recently signed EU-US PNR agreement to be a balanced legal instrument. In particular, the proposal fails to come up with convincing arguments which substantiate a real need for the collection of passenger data other than data contained in the machine readable zone of travellers' passports. Furthermore, the Art. 29 Working Party criticises the excessive amount of required data elements as well as the disproportionate retention period of 13 years. The legitimate interest of millions of travellers each year and those of the airline industry have to be taken into account which the current proposal fails to do. It leaves open many questions such as reciprocal requests from other governments or the great deal of discretion left to Member States when setting up their Passenger Information Units which will receive passenger data from air carriers. The Working Party concludes that the EU could and should do better.

The Working Party on Police and Justice will deal with this issue at their next meeting on December 18, 2007.

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Civil Justice, Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 01/43.

Website: [http://europa.eu.int/comm/justice\\_home/fsj/privacy/index\\_en.htm](http://europa.eu.int/comm/justice_home/fsj/privacy/index_en.htm)

***EU-US PNR Agreement:*** The Art. 29 Working Party considers it essential that the points raised in the letter to Commissioner Frattini are addressed in order to ensure a proper implementation of the agreement which is still overdue. This regards in particular the change from a “pull system” to a “push system” which should occur at the end of this year according to the deal but which does not seem realistic in the light of the obstacles the carriers are facing. Furthermore, questions related to the filtering of sensitive data and the onward transfer to third countries have to be solved.

***Data protection in Greece:*** The Art. 29 Working Party is deeply concerned about the development taking place in Greece after the resignation of the President and 5 members of the Hellenic Data Protection Authority. The EU Data Protection Commissioners stressed the importance of an independent supervision as foreseen by Directive 95/46/EC. The current situation has immediately to be remedied with a view to re-establishing a functioning independent Data Protection Authority in Greece.

***Search engines:*** The Art. 29 Working Party continues working on data protection questions concerning search engines. As decided, the Working Party is drafting a progress report on the ongoing work on search engines. The Working Party is dealing with search engines in general, and it is evaluating the answers to a questionnaire sent out to the search engines providers. Results are expected for the first quarter of 2008.

### **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 WP is competent to examine questions covering the application of the national measures adopted under 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\\_home/fsj/privacy/workinggroup/index\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm)