

# Data Retention and the PNR proposal

## *The Brussels Workshop*

24th Chaos Communication Congress

*“First we decide, then we vote, and  
finally we discuss.”*

Berliner Congress Center, Berlin,  
28 December 2007.

Erik Josefsson

[erik@eff.org](mailto:erik@eff.org)

# Data Retention in EP 20051207:

*"There is no impact assessment on what technical impact will this have. How much will this affect IP industry in general? We don't know. How much will it affect the interior market? We don't know. How much influence will it have on labour markets? We don't know. What will it cost to SME's? We don't know."*

**- MEP Alexander Alvaro, Rapporteur**

# Data Retention in EP 20051215:

*"Was the Commission's Extended Impact Assessment, SEC(2005) 1131, carried out in accordance with the Commission's own Impact Assessment Guidelines, SEC(2005) 0791?"*

**- MEP Charlotte Cederschiöld**

*"[Yes, the IA] has been elaborated in conformity with the guidelines on impact assessment the Commission issued in 2002 and 2005."*

**- Commissioner Franco Frattini (E-1131/06)**

# DR Recital 14 WG 20071130:

*Role of Internet Transit Providers*

*Spam e-mail – data retention obligations*

*Application to web mail services;*

*Internet Telephony*

*Cost recovery issues*

*Statistics*

*Centralised Data Storage within EU*

*Data protection and related issues*

# Data Retention in 2008:

AKVDS “**class action**”:

- *30.000 signatories*
  - *120 pages*
  - *filed in two steps*
  - *4 possible outcomes*
- + congress and demo!



# The PNR proposal

Proposal for a Council framework decision on the  
use of Passenger Name Record (PNR) for law  
enforcement purposes

COM(2007) 654 final, 2007/0237 (CNS)

November 6, 2007

# PNRs and CRSs

- A Passenger Name Record (PNR) is created in a Computerised Reservation System (CRS) when you make a reservation.
- CRSs run IBM mainframes.
- There are 4 major CRSs; Sabre, Amadeus, Galileo and Worldspan.

# PNRs and CRSs

- PNRs contain personal information from travel agents, airlines, tour operators, other travel companies, intermediaries, hotel companies, car rentals, etc (free text fields, aggregated information).
- A PNR cannot be deleted (good old system!)
- CRS network larger than Internet until mid '90s.



# CRSs and PIUs

- Each Member State sets up a Passenger Information Unit (PIU)
- Like DHS, the PIU will probably have root access to each airline's partition in its CRS
- PIU stores data for 13 years

# PIUs and Trade-Union Membership

Frattoni wants PIUs to save (1)-(19):

“(12) General remarks (excluding sensitive information)” [good luck with free text filtering]

“(19) All historical changes to the PNR listed in numbers 1 to 18” [hmm... a changelog?]

...but not Trade-Union Membership?

# EDPS opinion on PNR proposal

[...] Building upon different data bases without a global view on the concrete results and shortcomings:

- Is contrary to a rational legislative policy in which new instruments must not be adopted before those existing have been fully implemented and proved to be insufficient.
- Might otherwise lead to a move towards a total surveillance society.

# The PNR proposal: EP Rapporteurs

LIBE: Sophie in't Veld (NL/ALDE)

AFET: Jan Wiersma (NL/PSE)

TRAN: Eva Lichtenberger (AT/Greens)

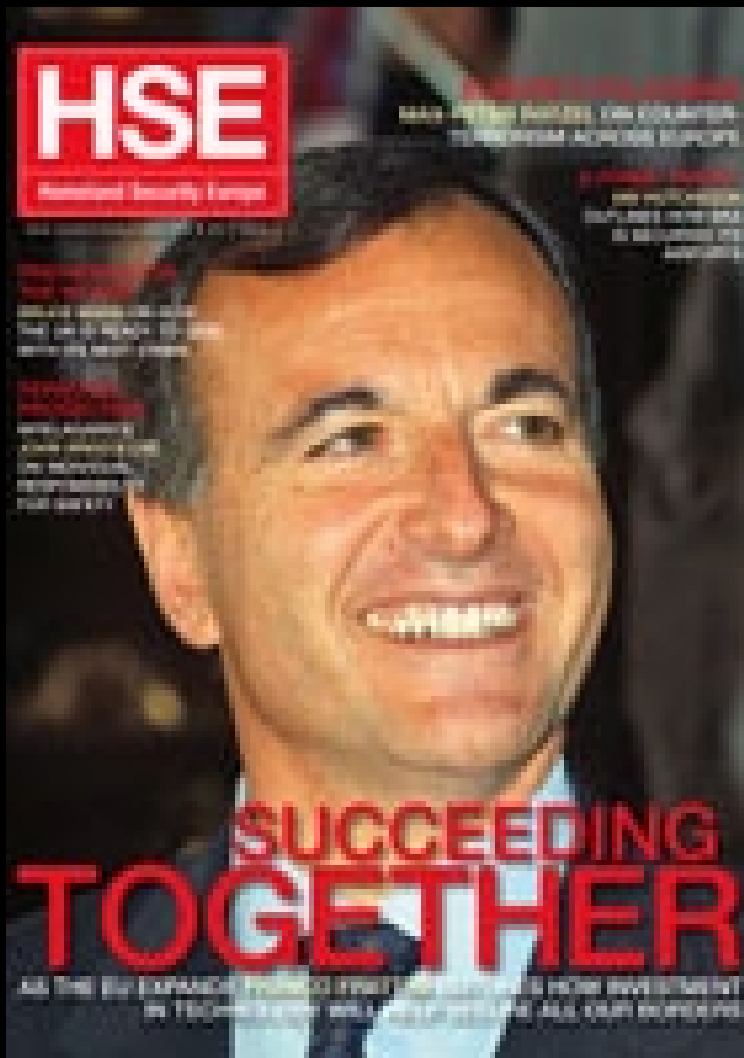
(3rd pillar, opinion only...)

# What would Popper say?



- *“Give me six lines written by the most honorable of men, and I will find an excuse in them to hang him”*  
- Cardinal Richelieu

# Homeland Security Europe



- *“How can we so organise political institutions that bad or incompetent rulers can be prevented from doing too much damage?”*  
- Karl Popper

# PNR -> PRM/DRM?

“[...] all airlines operating international flights to, from, or overflying the USA will be required to obtain individualized permission from the DHS before issuing each prospective passenger a boarding pass, or allowing them on a plane.”

Edward Hasbrouck's blog, 20071220.

# PRM vs. ICCPR Art 12.2&4?

## International Covenant on Civil and Political Rights

12.2 Everyone shall be free to leave any country,  
including his own.

12.4 No one shall be arbitrarily deprived of the  
right to enter his own country



# What can EFF do?

In the U.S.

Impact Litigation

[www.eff.org](http://www.eff.org)

# What can EFF do?

In Europe

Impact Education

[pnr@eff.org](mailto:pnr@eff.org)