



| ICAO

SECURITY & FACILITATION

NO COUNTRY LEFT BEHIND



# Data protection considerations for the processing of PNR

Steven Waterman,

API PNR Officer, Facilitation Section

AFI Regional Seminar, 09 August 2021





| ICAO

SECURITY & FACILITATION

NO COUNTRY LEFT BEHIND



# UNSCR 2396 and the Conflict of Law issue

01 UN Security Council Resolution 2396

02 Amendment 28 to Annex 9 – new and revised PNR SARPs

03 Conflict of laws issues

04 Data protection safeguards



# Legal and Administrative Framework

01 Data limitation

02 Purpose limitation

03 Limits on onward transfers



Standard 9.25



# Security of processing, transparency and data subject rights

- 01 Prevent unauthorized access
- 02 Prevent unlawful discrimination
- 03 Information to data subjects
- 04 Data subject rights in relation to their data
- 05 Right to judicial redress



Standard 9.26



# Automated process of personal data

01 Based on objective, precise and reliable criteria

02 No decisions based solely on automated processing



Standard 9.28



# Data Protection Supervisory Authority

- 01 Defined in legal and administrative framework
- 02 Power to conduct independent oversight of the protection of PNR data
- 03 Determine whether PNR data is being processed with full respect for human rights and fundamental freedoms

Standard 9.29



# Data to be transferred by aircraft operators

01 Only data collected as part of their normal business

02 No sensitive personal data



Standard 9.30



# Retention of PNR data

01 Necessary and proportionate retention period defined in national law

*Recommended maximum five years*

02 Depersonalised after a set period

*Recommended between six months & two years*



Standard 9.31





# Resolving the conflict of laws issue

- 01 Not inhibiting the transfer of PNR data to a State in compliance with PNR SARPs
  - 02 Ability to require higher levels of data protection safeguards
  - 03 Demonstrating your compliance with PNR SARPs in timely manner
  - 04 Be transparent and seek to resolve the situation
- Standard 9.35
- Standard 9.36
- Standard 9.37
- 
- A large, light blue bracket is positioned to the right of items 01 and 02, pointing towards the text "Standard 9.35".

