



FACILITATION (FAL) DIVISION — TWELFTH SESSION

Cairo, Egypt, 22 March to 2 April 2004

Agenda Item 2: Facilitation and security of travel documents and border control formalities 2.3: Crew identity documentation

STANDARDIZATION OF CREW MEMBER DOCUMENTS OF IDENTITY FOR INTERNATIONAL TRAVEL ON DUTY

(Presented by the International Transport Workers' Federation (ITF))

1. INTRODUCTION

1.1 The ITF is the global representative body for the majority of aviation personnel, who are subject to the Crew Identity Document requirements.

1.2 Whilst we support further standardisation of the procedures for the issuance of Crew Member Certificates and their acceptance as identification documents for temporary entry into foreign States, this must be achieved by means that respect the protection of individual data and rights to privacy.

1.3 We would particularly draw the attention of the Division to the United Nations General Assembly Resolution A/RES/57/219 (Protection of human rights and fundamental freedoms while countering terrorism). This affirms inter alia that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law.

2. DATA PROTECTION ISSUES RELATING TO CREW MEMBER CERTIFICATES

2.1 Annex 9 requires States to provide systems for the application and issuance of Crew Member Certificates, without delay and without charge. These certificates are, in effect, a requirement for professional employment. It is therefore important that crew members have the right to an administrative appeal in the case of a rejection of an application for a Crew Member Certificate.

2.2 The ITF believes that, where biometric features are included, the following preconditions must be satisfied:

- a) the biometric can be captured without any invasion of privacy of the persons concerned, discomfort to them, risk to their health or offence against their dignity;

¹ French and Spanish versions provided by the International Transport Workers' Federation (ITF).

- b) the biometric shall itself be visible on the document and it shall not be possible to reconstitute it from the template or other representation; and
- c) information stored on the Crew Member Certificate shall be restricted to those details which are essential for the purpose of verifying a crew member's identity and which are consistent with the crew member's right to privacy and existing national and international data protection regulation. No other information shall be stored on the Crew Member Certificate.

2.3 Each State shall ensure that a record of each crew member's identity document issued, suspended or withdrawn, is stored in an electronic database, secure from interference and unauthorised access.

2.4 All information stored in the electronic database shall be restricted to details which are essential for the purpose of verifying a crew member's identity and which are consistent with the crew member's right to privacy and existing national and international data protection regulation. No other information is to be stored in the electronic database.

2.5 We strongly concur with the proposal contained in FAL/12-WP/39, presented by Canada, paragraph 2.4.14, that as little biometric information as possible is to be kept centrally.

2.6 Templates and photos may be needed for verification at the point of entry. If this is the case, appropriate regulations shall be established to ensure that the crew member's right to privacy and existing national and international data protection regulation are not violated.

2.7 Each State should put in place procedures which will enable any crew member issued with a Crew Member Certificate to examine and review the validity of the data held, and to provide for correction if necessary, at no cost to the crew member.

2.8 Should there be need for inquiries by immigration or other authorities, each State shall designate a focal point for responding to such enquiries. Appropriate restrictions shall be established to ensure that no data are exchanged, unless a mechanism is in place to ensure that applicable data protection and privacy standards are adhered to.

3. ACTION BY THE DIVISION

3.1 The Division is invited to note this paper and to recommend inclusion of the measures outlined in paragraph 2 into ICAO guidance material and within Annex 9, as appropriate.

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