



国际民用航空组织

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经济委员会

议程项目 29：简化手续

传输旅客姓名记录（PNR）资料的国际框架

（由荷兰代表欧洲共同体及其成员国² 提交）

摘要

根据第 12 届简化手续专业会议（FAL/12）所做的建议，以及航空运输委员会和理事会的审议，本文件就为改善航空保安和简化边境管理之目的，制定关于传输 PNR 数据的国际民航组织标准和建议措施的问题，向大会提出了欧洲共同体及其成员国的立场，并同时考虑到航空保安、边境管理以及保护个人资料的要求。

建议国际民航组织就解决关于资料分类、资料处理要求、资料传输要求和资料结构等不同方面的问题展开工作。

大会的行动在第 3 段。

1. 背景

1.1 对于一些国际民航组织成员国为了改善航空保安和简化边境管理（打击恐怖主义以及具有国际影响的与恐怖主义有关的严重犯罪），要求航空公司提供 PNR 资料的倡议行动，欧洲共同体及其成员国已请国际民航组织简化手续专业会议考虑在这方面制定国际民航组织的标准和建议措施，并同时考虑到航空保安、边境管理和保护个人资料的要求。

¹ 英文、法文和西班牙文版本由欧洲共同体及其成员国提供。

² 欧洲共同体由以下国家组成：奥地利、比利时、塞浦路斯、捷克共和国、丹麦、爱沙尼亚、芬兰、法国、德国、希腊、匈牙利、爱尔兰、意大利、拉脱维亚、立陶宛、卢森堡、马耳他、荷兰、波兰、葡萄牙、西班牙、斯洛伐克共和国、斯洛文尼亚、瑞典和联合王国。

1.2 在附录中（无中文）摘录的欧洲共同体及其成员国所提交的文件（FAL/12-WP/75），强调了以下几方面的问题：

- 可以用于航空保安和边境管理的资料范围；
- 可以用于收集、处理、存储和传输此类资料的做法；
- 对用于获取、处理、存储和传输此类资料的系统的技术影响。

希望采取进一步行动，以适当比例的方式在这方面制定国际民航组织的标准和建议措施。

1.3 根据第 12 届简化手续专业会议（FAL/12）的建议以及航空运输委员会和理事会的审议，将建立一个研究小组来制定关于旅客姓名记录（PNR）资料的指导材料，并于 2005 年初提交。

2. 拟议的工作

2.1 欧洲共同体及其成员国重申他们支持迅速制定“国际民航组织关于以下问题的指导方针：以适当比例的方式处理航空旅客资料的统一做法，包括因执法要求（打击恐怖主义以及具有国际影响的与恐怖主义有关的严重犯罪），和旨在加强航空保安和推动遵循在边境管理方面的法律要求（特别是为机场带来简化手续的实质性好处）而收集、使用、存储和传输此类资料，同时为旅客的个人资料提供充分保护。另外，为了消除可能会妨碍顺利实施统一做法的技术负担，应制定一项有关资料要求和程序的国际标准。在这方面，国际民航组织的标准将会大大有助于行业界，可以协助它们根据数据要求和程序的单一模式来制定并设置各自的系统，而不必去面对不同国家的不同模式，那样将费用极高”（见附录第 1.5 段）。

2.2 考虑到航空保安、边境管理和保护个人资料的要求，建议国际民航组织就解决在附录第 2-5 段中提出的关于资料分类、资料处理要求、资料传输要求以及资料结构等一系列不同方面的问题展开工作。

3. 大会的行动

3.1 请大会决定：

- a) 以适当比例的方式制定关于处理 PNR 资料统一做法的指导方针，其中包括为执法目的以及为加强航空保安和推动遵循在边境管理方面的法律要求的目的（特别是为机场带来简化手续实质性的好处）而收集、使用、存储和传输此类资料，同时为旅客的个人资料提供充分保护。
- b) 制定关于资料要求和程序方面的国际标准，以推动那些统一做法的顺利实施。

APPENDIX

This Appendix reproduces the Working Paper presented by the European Community and its Member States to the Twelfth Session of the Facilitation Division (Cairo, Egypt, 22 March to 1 April 2004).

AN INTERNATIONAL FRAMEWORK FOR THE TRANSFER OF PASSENGER NAME RECORD (PNR) DATA

1. INTRODUCTION

1.1 As a measure to improve aviation security and to expedite customs and immigration formalities at airports several countries (United States, Canada, Australia) have passed legislation which requires that airline passenger data contained in the Passenger Name Record (PNR) are made available to their authorities prior to arrival.

1.2 It is anticipated that more countries will follow suit. Law enforcement authorities around the world are increasingly requesting access to passenger data to assist them in their efforts to protect their national borders and civil aviation, notably against the threat of terrorism, which in the aftermath of the tragic events of 11th September 2001 has become a top priority.

1.3 PNR data are introduced into the system in the course of the reservation process by an airline or an agent, or by the passenger when booking direct via the Internet.

1.4 The European Community and its Member States consider that it would be in the interest of public authorities and airlines to seek the development of uniform practices and standards at international level in the framework of ICAO.

1.5 It is proposed that ICAO establishes guidelines on uniform practices for processing of air passenger data in a proportionate manner, including the collection, use, storage, and transfer of such data for law enforcement requirements (e.g. combating terrorism, terrorism-related serious crimes with international implications), as well as for the purpose of enhancing aviation security and facilitating compliance with legal requirements on border control (in particular by bringing about material facilitation benefits at airports), while providing adequate protection for passengers' personal data. In addition, an international standard should be designed, including the appropriate configuration of the PNR system, in order to remove technical burdens that may impair the smooth implementation of those uniform practices. An ICAO standard in this area would also be of considerable benefit to industry in assisting them to design and configure their systems according to a single model, rather than being confronted with different systems for different countries, which would be far more costly.

1.6 Taking into account aviation security, border control and personal data protection requirements, it is recommended that the ICAO work addresses a range of different aspects set out below.

2. CATEGORIES OF DATA

2.1 On the basis of existing PNR data elements, the maximum number and scope of data that is strictly necessary for law enforcement purposes and enhancing aviation security (to the extent that they actually appear in an individual passenger name record) should be considered. The list of data to be transferred should be proportionate and not excessive.

2.2 PNR data of a particular sensitive character may need to be given special protection under applicable data protection laws. In such a case, the balance between the rights of passengers not to disclose such data and the interest of public authorities to receive the data for law enforcement purposes and enhancing aviation security should be taken into account.

2.3 The protection of air carriers and other economic operators involved in the processing of PNR data against liability for the accuracy or authenticity of PNR data, or omissions, over which they do not have any control, should be considered.

3. DATA PROCESSING REQUIREMENTS

3.1 A number of issues with respect to the processing of PNR data transfers should be explored:

- a) **Transparency:** the timely availability of airline passenger information notices on how, for what purposes, and to whom the data is being made available, as well as on passengers' rights of access to their data records;
- b) **Purpose limitation:** the purpose for which the data is being made available should be clearly defined (e.g. combatting terrorism and terrorism-related crimes);
- c) **Storage:** PNR data should be stored for no longer than is strictly necessary for the stated purposes, especially with respect to the data of legitimate passengers;
- d) **Onward transfer:** safeguards for limiting the onward transfer of PNR data to parties other than the primary recipient;
- e) **Rights of passengers:** appropriate mechanisms through which passengers are able to access their own PNR data and rectify those data where appropriate;
- f) **Redress mechanisms:** access for passengers to independent complaint and dispute settlement mechanisms for disputes arising from the processing of their PNR data by public authorities; and
- g) **Additional safeguards:** Appropriate control mechanisms to ensure that any safeguards are respected, such as verifiable guarantees on the correct processing of the PNR data. For example, control mechanisms could include regular mutual system audits, random ex-post controls, and the possibility of systems review, including by ICAO, if appropriate.

4. DATA TRANSFER REQUIREMENTS

4.1 A number of aspects relating to the conditions in which PNR data is transferred should be considered, notably:

- a) **Type of access:** technical and legal consideration of the most appropriate system for the transfer (“push”) or direct access to (“pull”) PNR data. The cost-effectiveness of the system used (i.e. any costs that may have to be borne by the airlines), who bears the costs, and compliance with the applicable data protection rules and the general principles of international law, need also to be taken into account;
- b) **Time of transfer:** the number and frequency of transfers and the appropriate time of transfer of PNR;
- c) **Filtering:** appropriate technological measures to observe the limitations in respect of the PNR data elements requested; and
- d) **Security measures:** appropriate technical and organisational measures to ensure that the processing of PNR data for aviation security and border control purposes is carried out in accordance with the appropriate safeguards, notably with respect to the security, integrity and confidentiality of the PNR data, as well as appropriate penalties for misuse of the data.

5. DATA STRUCTURE

5.1 The extent to which the current structure of PNR may need to be modified to facilitate PNR data transfer requirements should be assessed, notably with respect to the use of open data fields. A number of options could be considered:

- a) harmonising the structure of PNR across the industry (e.g. same total number and denomination of fields);
- b) modifying the PNR structure where appropriate (e.g. creating new, specific fields so as to minimise the information that is entered into open fields); and
- c) providing clear guidelines on how to input PNR data (e.g. what information may or may not be included in each field).

6. ACTION BY THE DIVISION

6.1 In the light of initiatives by several ICAO member States obliging airlines to make PNR data available for the purposes of improving aviation security and facilitating border controls, the European Community and its Member States invite the ICAO Facilitation Division to consider the development of ICAO standards and recommended practices in this field, taking into account aviation security, border control and personal data protection requirements.

6.2 More specifically, the Division is invited to establish guidelines on uniform practices for processing of PNR data in a proportionate manner, including the collection, use, storage, and transfer of such data for law enforcement purposes, as well as for the purpose of enhancing aviation security and facilitating compliance with legal requirements on border control (in particular by bringing about material facilitation benefits at airports), while providing adequate protection for passengers' personal data.

6.3 In addition, the Division is invited to consider the development of an international standard to remove technical burdens that may impair the smooth implementation of those uniform practices, which could include the appropriate configuration of the PNR system.

— END —