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# Data protection considerations for the processing of PNR

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# 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



THANK YOU!