

Customs and Border Protection Passenger Name Record Privacy Statement For PNR Data Received in Connection with Flights Between the U.S. and the European Union.

United States law requires airlines operating flights to or from the United States to provide the Department of Homeland Security, Bureau of Customs and Border Protection (CBP) with certain passenger reservation information ("passenger name record data" or PNR) for purposes of preventing and combating terrorism and other serious criminal offenses that are transnational in nature. The European Commission has determined that U.S. laws, in conjunction with CBP policies regarding the protection of personal data and the U.S.-EU Passenger Name Record Agreement signed on May 17, 2004, are adequate to permit transfers of PNR data to the U.S. For more information see http://europa.eu.int/comm/internal_market/privacy/index_en.htm. For a comprehensive explanation of the manner in which CBP handles PNR collected from flights between the European Union (EU) and the U.S., please refer to the Undertakings of the Department of Homeland Security, Customs and Border Protection ("PNR Undertakings") http://www.dhs.gov/interweb/assetlibrary/CBP-DHS_PNRUndertakings5-25-04.pdf.

1. What is the purpose of CBP receiving PNR data?

The overriding goal of collecting PNR data in advance of flights is to facilitate secure and efficient travel to, from and through the United States. In the cases of PNR data associated with flights between the EU and the U.S., CBP uses PNR data strictly for the purposes of preventing and combating:

- a. Terrorism and related crimes;
- b. Other serious crimes, including organized crime, that are transnational in nature; and
- c. Flight from warrants or custody for crimes described above.

Use of PNR data allows CBP to facilitate *bona fide* travel and to conduct efficient and effective advance risk assessment of passengers.

2. Who is affected by the program?

All persons traveling on flights to, from or through the United States will be affected by this program.

3. What information will CBP receive?

CBP will receive certain PNR data concerning persons traveling on flights to, from, or through the U.S. Airlines and central reservation agencies create these PNR files in the reservation and air carrier departure control systems for each itinerary booked for a passenger.

The PNR data contain a variety of information provided routinely by a customer, such as the passenger's name, contact details, travel itinerary (such as date of travel, origin and destination, seat number, and number of bags), and details of the reservation (such as travel agency and payment information). The PNR may include other information voluntarily provided by a customer during the booking process (such as affiliation with a frequent flier program).

4. Who will have access to the information?

CBP will have access to PNR data from flights between the U.S. and EU. CBP may share this PNR data with other domestic and foreign counter-terrorism and law enforcement authorities, on a case-by-case basis, for purposes of preventing and combating terrorism and related crimes; other serious crimes, including organized crime, that are transnational in nature; and flight from warrants or custody for crimes described above.

PNR data may also be provided to other relevant government authorities, when necessary to protect the vital interests of the passenger who is the subject of the PNR data or of other persons, in particular as regards to significant health risks, or as otherwise authorized by law.

5. How will the information be protected?

CBP will keep PNR data secure and confidential, consistent with applicable U.S. law. Careful safeguards, including appropriate data security and access controls, will ensure that the PNR data is not used or accessed improperly.

6. How long is PNR data retained by CBP?

PNR data from flights between the U.S. and EU will be kept by CBP for a period of three years and six months, unless CBP manually queries the PNR data. In such cases, PNR data will be kept for an additional eight years. Additionally, information that is linked to a specific enforcement record will be maintained by CBP until the enforcement record is archived.

7. Whom do I contact for more information about PNR data transferred to CBP?

General Inquiries about PNR data or Inquiries about your PNR data

If you wish to make an inquiry about PNR data transferred to CBP or seek access to PNR data held by CBP about you, you may mail a request to: Freedom of Information Act (FOIA) Request, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. For further information regarding the procedures for making such a request, you may refer to Title 19 Code of Federal Regulations, section 103.5 (www.dhs.gov/privacy).

Concerns, Complaints, and Correction Requests

If you wish to file a concern, complaint, or request for correction regarding PNR data, you may mail such a request to: Assistant Commissioner, CBP Office of Field Operations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229.

Decisions by CBP may be reviewed by the Chief Privacy Officer of the Department of Homeland Security, Washington, DC 20528. An inquiry, complaint or request for correction of PNR data may also be referred by a passenger to the data protection authority within the passenger's EU Member State for further consideration as may be deemed appropriate. The Chief Privacy Officer for DHS will work closely with your Member State data protection authority to resolve concerns.