

Approval Sought For Ireland's Participation In EU-US Agreement On Passenger Name Records

The members of the Irish Senate were today presented with a motion to approve Ireland's participation in the EU-US Agreement on Passenger Name Records (PNR).

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The members of Seanad Éireann were today presented with a motion to approve Ireland's participation in the EU-US Agreement on Passenger Name Records (PNR).

Addressing the House on behalf of the Minister for Transport, Minister of State at the Department of Communications, Energy & Natural Resources, Tony Killeen T.D., said that Ireland's participation in the Agreement was essential in a period of heightened security at airports across the world.

US authorities and the European Commission, acting on a mandate agreed by the Member States of the European Union, last week completed negotiations on a new long-term agreement on the processing and transfer of PNR data by air carriers to the US authorities. The new Agreement, which is expected to be submitted to the Council for approval on 10th July, will provide a long-term solution for the processing and transfer of PNR data and will be valid for a period of seven years.

Speaking in Seanad Éireann today, Minister Tony Killeen stated, "The events of recent days in the United Kingdom have brought home to us that crime and terrorism does not respect borders and is a global phenomenon. In this regard it is important that we join in European and international initiatives to make air travel safe for operators and passengers."

"This is the third Agreement between the EU and the US on PNR since 2004 and Ireland has participated in the adoption of the previous agreements. While it would be preferable if there was no need to collect such data it has been accepted by both the airlines and passengers that it is necessary to assist in preventing and combating terrorism and international crime", continued the Minister.

He added, "The comparisons between the current interim agreement and the new agreement are favourable with the number of data items being reduced from thirty-four to nineteen through a process of rationalisation. Important new protections for data and avenues of redress for persons seeking information about, or correction of, PNR data are provided in the new Agreement, which is a welcome development for EU citizens."

The main differences between the existing interim Agreement and the new Agreement and the key elements of the new Agreement are as follows:

- As with the previous agreements on this issue, the new agreement is aimed at preventing and combating terrorism and other serious crimes that are transnational in nature.
- The number of EU PNR items to be collected has been reduced from thirty-four to nineteen through a process of rationalisation.
- The deletion of references to the 'undertakings' which had been part of the existing interim agreement and their replacement by an exchange of letters between the EU and the US with the US letter outlining how the US Department of Homeland Security (DHS) will collect, use and store PNR

- data,
- The period for retention of records by the Department of Homeland Security will increase from 3.5 years to 7 for records on active status
 - The further retention period of 8 years for data in a dormant status is unchanged. Such data may only be accessed in response to an identifiable case and on the approval of a senior Department of Homeland Security official designated by the Secretary of Homeland Security
 - Sensitive data (e.g. data relating to ethnic origin, religious beliefs etc.) will be filtered out and deleted by the Department of Homeland Security unless required in exceptional cases (e.g. where the life of a data subject or others could be imperilled)
 - The Department of Homeland Security will extend the US Privacy Act protections providing redress to data subjects seeking information about or correction to their PNR to EU PNR data. The extension of these protections to non-US citizens is new and did not feature in the existing Agreement.

There is also provision in the agreement for a periodic review of how the system is operating.

"This is a complex and somewhat sensitive subject where we need to strike a balance between public security considerations and the need to protect the rights of citizens. European citizens are every bit as concerned as their American counterparts to protect human life and prevent international criminal activity", Minister Killeen told members of Seanad Éireann.

"Ireland's participation in the adoption of this agreement together with our European partners will ensure continuity and certainty for airlines and passengers on transatlantic flights", concluded Minister Killeen.

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