



Brussels, 2 July 2020
(OR. en)

9031/20

IXIM 65
JAI 516
AVIATION 131

NOTE

From:	Presidency
To:	Delegations
Subject:	Overview of the situation of Member States on the use of PNR for public health purposes

BACKGROUND

One of the lessons learned from the experience of the COVID19 pandemic is that the relevant MS authorities have needed sufficient and quickly available intelligence on the spread of the disease from the very beginning. This highlights the wider issue of the processing of PNR (passenger name records) for public health purposes.

Information about travel movements and the contact persons of suspected infected individuals are of utmost importance.

PNR contain at least some of the data that could enable the tracing and contacting of affected people and could help facilitate effective measures being taken.

However, the use of PNR data in the fight against pandemics raises a legal question. Article 1(2) of the EU PNR Directive (EU) 2016/681 provides that PNR data collected in accordance with this Directive may be processed only for the purposes of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.

The following questions aim to clarify the state of play as regards the current use of PNR to fight the pandemic and gather experiences from the Member States in order to examine possible requirements with regard to additional legislation or improvements that could be made to the existing legal framework.

QUESTIONS

1. General

Do authorities in your country process PNR in the context of the COVID19 pandemic?

If that is the case:

- Which authorities do use that information (i.e. which authorities have access to that information and under which conditions/provisions)?
- How is the data (or parts of the PNR data sets) technically transferred to the authorities that need the information?
- Under which conditions does such access to data take place (e.g. in response to duly reasoned requests, spontaneous transfers)?
- How long can these authorities retain the PNR data they have accessed?
- What are the response times? Do you provide a 24/7 access to the PNR?
- Which items of the PNR data set are made available?
- Which items of the API data set are made available?
- Is it possible to carry out retrospective searches? If so, under what conditions and for what period?

- Have your authorities discussed the use of PNR in the context of the COVID19 pandemic with your Member State’s Data Protection Authority?
- Do you intend to share any additional information (i.e. “use cases”) with other Member States that are planning to use PNR to tackle pandemic situations?
- Would you be able to provide “use cases”?

If that is not the case:

Are you planning to process PNR for future pandemics? If not, please indicate why. Do you consider it necessary to amend Union law to allow the use of PNR data to help combat future pandemics?

2. PNR

The following questions cover PNR.

- a) What is your experience as regards the PNR data quality in the context of PNR data processing for public health purposes? Has your approach on PNR data processing in the context of the current pandemic revealed issues as regards data quality, i.e. that elements of the PNR data set are regularly not provided? In many cases PNR do not contain contact information (such as passenger telephone numbers). How do you handle this?
- b) What is your experience concerning the (pure) API data quality?
- c) Do you have any technical difficulties with regard to transferring PNR to the health authorities because of the data format (PNRGOV Edifact Message/PAXLST API Pushes)?

3. Miscellaneous

Do you use or are you considering the use of exit cards (for travelers by plane, train or other means)? Please indicate explanations for your decision.