

WRITTEN QUESTION E-0535/08

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to the Council

Subject: Postal services: data transfer to the US

Postal services between the European Union and the United States are subject to US counter-terrorism policies. ZEIT online (22-01-08) reports that the US Customs and Border Protection (CBP) requires data (sender, receiver and content) on express mail and packages to be transferred from the EU to the US four hours before the arrival of the transport plane. DHL (a US company now based in Germany) makes these transfers on behalf of Deutsche Post. A Trade Act between the EU and the US allows the transferred data to be shared with law enforcement authorities and compared with commercial data bases. According to US law, the so-called Advanced Air Manifest could also apply to letters and documents, as all post is regarded as cargo and therefore subject to security checks. Only Austria has thus far objected to the practice. There are currently negotiations under way between the EU and US regarding this matter.

1. Is the Council aware of the EU-US transfer of the personal data of European citizens in the postal sector?
2. Can the Council confirm that this practice is in line with EU rules on data protection and privacy? If not, what will the Council do to remedy the situation?
3. Can the Council clarify if European citizens are currently being informed of the transfer and storage of their personal data in the US? Can the Council explain how the personal data of EU citizens are protected in this context and what means of redress they have?
4. Apart from the Deutsche Post, does the Council know which other companies are transferring these data? If yes, which ones?
5. The article made reference to ongoing negotiations between the EU and the US regarding this matter. Can the Council further explain what kind of negotiations are taking place and in which context? Are these negotiations conducted in the framework of the High Level Contact Group on the protection of personal data? Can the Council explain why the European Parliament has not been informed of these negotiations?