

ORAL QUESTION H-0076/04
for Question Time at the part-session in March I 2004
pursuant to Rule 43 of the Rules of Procedure
by Marco Cappato
to the Commission

Subject: CAPPS II testings and violation of EU privacy and data protection laws

Documents that have been obtained by a civil liberties organisation, EPIC, under the US Freedom of Information Act, reveal that the US-based Northwest Airlines - providing connections between main US and European cities - disclosed millions of passenger records to NASA as part of a massive datamining experiment. The data were disclosed in violation of Northwest's privacy policy, and the collection and use by NASA may also have violated the US federal Privacy Act. Under European Union law, the routine disclosure of personal information for purposes unrelated to the original collection is prohibited.

Is the Commission aware of this violation of EU and US laws? Does the Commission know if these data concern EU citizens, and if they involve PNR data? When will the Commission raise this issue with the competent US authorities? Does the Commission not consider that the current US policy on privacy (transfers of personal data to NASA, creation of CAPPS II, unilateral initiatives on passengers' data infringing EU laws) cannot allow the US to be defined as 'adequate' in terms of the EU directives, as also stated by the French CNIL and other national privacy authorities, as well as privacy advocates?

Tabled: 02.02.2004
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