

Oyster Card proposal for passenger data system to prevent serious crime and terrorism at the London Olympics.

The European Commission presented today a proposal for an "Oyster Card Passenger Name Record (OCPNR) Regulation" to fight serious crime and terrorism in London before and during the Olympics. The proposal obliges Transport for London (TfL) to provide EU Member States with data on passengers using London Tube and Bus system whilst at the same time guaranteeing a high level of protection of privacy for Olympians and other VIPs.

"This proposal for an OCPNR Directive is an extension of the existing PNR directive" said Cecilia Malmström, European Commissioner for Home Affairs. "It enhances EU security policy by allowing, for example, the PNR system to include the fine details of when drugs smugglers, people traffickers and terrorists travel on the Central Line to Stratford".

Cecilia Malmström continued: "Special provisions ensure that passengers' privacy is respected and we recognise this is especially important to UK pensioners when using their bus pass to get to the local Tesco. Like the PNR Directive, we are very proud that our proposal to protect privacy by requiring OCPNR data to be retained only for 5 years. We are also very proud of our subject access procedures which are second to none: these allow passengers to discover where they have gone and which bus they have used".

In this Regulation, the Commission also lays down common rules if other EU Member States to set up similar OCPNR systems.

The Commission proposes:

1. **That bus drivers only transfer data on their passengers after their shift.** This means that they are not interrupted in their task of transporting people to the Games. In practice, bus drivers will have a pair of electronic **Special Oyster Card Systems (SOCs)** that they will wear around their lower calf area; these transmit oyster card data to the authorities. At the same time details from air carriers' reservation **IT** systems will be transmitted to the authorities in order to complete the **SOCIT** data system. It is this combined system that permits Member States to SOCIT to serious criminals.
2. **Strong protection of privacy and personal data.** Like the PNR data, they cannot be transferred to Third Countries without the say-so of the Member State. Sensitive personal data that could reveal racial or ethnic origin, political opinions, or religious beliefs may never be transferred by bus drivers without passenger consent. Member States must set up secure units who are monitored by an independent supervisory (data protection) authority who, in the UK, does not have the power of audit. Non-custodial sentences are available to

punish those staff who deliberately disclose the whole database of personal data.

Background

Passenger Name Record (PNR) data consists of information provided by passengers and collected by carriers during the reservation and booking of the tickets and when checking in on flights.

In practice many law enforcement authorities in Member States already collect PNR data on a case-by-case or on a flight-by-flight basis. The Commission proposal would allow for a more systematic use of the data for all relevant flights, and create a coherent approach across all Member States. This will avoid uneven levels of protection of passengers' personal data, as well as security gaps, increased costs, and legal uncertainty for air carriers and passengers.

Processing of PNR data under the proposal will be in line with the data protection rules laid down in the Framework Decision on Data Protection from 2008, and will therefore ensure a high level of protection of personal data.

The United States, Canada and Australia currently oblige EU air carriers to make PNR data available for all persons who fly to and from these countries. The experience of those countries, and of the EU Member States that use PNR data, confirms that PNR data are necessary to fight serious crime and terrorism.

This proposal replaces the Commission's proposal for a Framework Decision on the use on PNR data from 2007. Following the entry into force of the Lisbon Treaty, the 2007 proposal needed to be re-tabled under the new Treaty rules.

Next steps

It is expected to take approximately 1 years to negotiate the Regulation in the Council of Ministers and the European Parliament – well in time for the Olympics

For more information

Homepage of Cecilia Malmström, EU Commissioner for Home Affairs:

http://ec.europa.eu/commission_2010-2014/malmstrom/index_en.htm

Homepage of DG Home:

http://ec.europa.eu/dgs/home-affairs/index_en.htm

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