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EU plans for big brother data analysis must be nipped in the bud

The ever-creeping drive for more pervasive retention and analysis of private data and big brother-style surveillance looks set to continue in the European Union.

Last week, the European Parliament voted to give the green light to a controversial EU-US agreement on air passenger data. The passenger name record or PNR agreement legitimises the practice of the US Department of Homeland Security in storing and analysing potentially sensitive private information of individuals travelling by air from Europe.

The EU-US PNR agreement controversy lasted almost 10 years, with the European Court of Justice and other national courts in Europe having ruled that a previous agreement is in conflict with EU law. The European Parliament echoed these concerns on numerous occasions before finally caving to pressure from EU governments last week.

The terms of the new agreement remain disproportionate, notably the lengthy retention periods for passenger data, the potential of using the data for the profiling of individuals (including sensitive data, for example regarding a religious meal choice or requests for assistance due to a medical condition) and the lack of legal redress. These concerns will now simply be brushed under the carpet by members of the European Parliament who wanted to wash their hands of the controversy.

The intrusive passenger name record saga will not end there however.

Agreements with other third countries are in the pipeline and, worse still, the European Commission has proposed introducing a similar system within the European Union. This week, EU home affairs ministers are set to consider the new proposals for an EU PNR system, as well as rubberstamping the EU-US agreement.

The stated intention of the European Commission is to use the system to identify terrorists and organised criminals, but there is scant evidence that these far-reaching data retention measures do anything to achieve their stated aim of ensuring greater security. What is clear is that they compromise EU citizens' privacy and civil liberties.

The Commission wants to introduce a system along the lines of that in the US, where the US Department of Homeland Protection maintains a register of the data of up to 30 million air passengers. This includes extensive booking-related information from travel agencies and airlines, such as credit card details, mobile phone number, the IP address of the booking process, and hotel or rental car reservations.

There is evidence to suggest that passengers with unusual names or noteworthy dietary requests may already be regarded as suspicious, with those affected having no influence on potentially erroneous evaluations, as they have no right to access the data collected, let alone to correct or delete it.

European home affairs commissioner Cecilia Malmström has sought to play down concerns about the intrusive nature of the proposed EU system. However, the very purpose of such as system is data storage and analysis (or even profiling) in which diverse information is compiled to create profiles of terrorist suspects.

Members of the European Parliament have already expressed their concern about the proposed EU PNR system. The jurisprudence of the European Court of Justice and other national courts with regard to the EU-US PNR agreement suggests that they would also find the Commission's proposals incompatible with EU law.

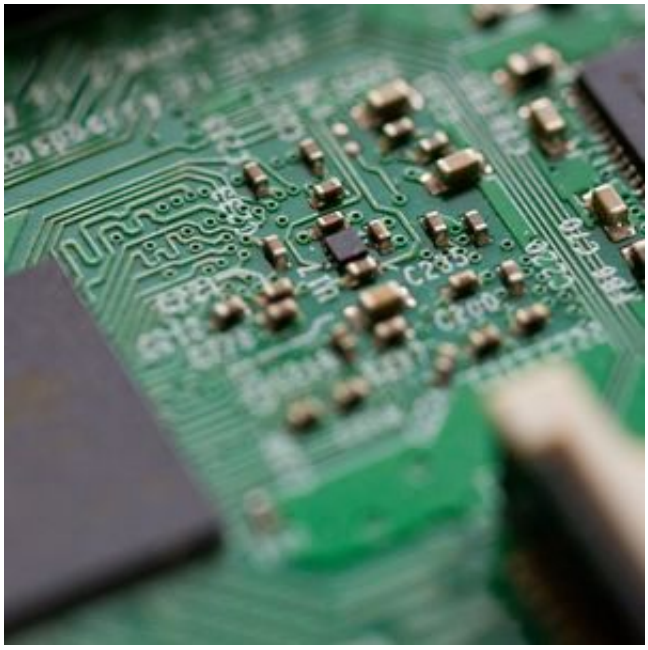
So, while EU home affairs ministers may push ahead with their legislative deliberations on the proposed EU PNR system, opposition is brewing. With plans already afoot in some EU countries to apply similar data analysis systems to other forms of transport, it can only be hoped that the European Parliament will live up to its role of defending the rights of European citizens and nip these proposals in the bud.

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