

**25th International Conference of Data Protection & Privacy Commissioners
Sydney, 12 September 2003**

Resolution concerning the Transfer of Passengers' Data

The 25th International Conference of Privacy and Data Protection Commissioners resolves:

A. The Conference notes that

1. In the course of the legitimate struggle against terrorism and organized crime measures are being considered in some countries that could threaten fundamental rights and freedoms, in particular the right to privacy.
2. There is a danger of undermining democracy and freedom by measures designed to defend it.
3. Legal requirements on airlines and other transports to provide access to, or transfer data from, comprehensive passenger data stored in reservation systems could conflict with international data protection principles or those providers' obligations under national data protection laws.

B. The Conference therefore affirms that

1. In the fight against terrorism and organized crime, countries should determine their responses paying full regard to fundamental data protection principles, which are integral parts of the values being defended.
2. Where regular international transfers of personal data are necessary, they should take place within a framework taking data protection into account, e.g. on the basis of an international agreement stipulating adequate data protection requirements, including clear purpose limitation, adequate and non-excessive data collection, limited data retention time, information provision to data subjects, the assurance of data subject rights and independent supervision.