



US Secretary of Homeland Security Michael Chertoff debates data protection with MEPs

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"We are collecting data because it has proven time and time again to keep dangerous people out of the country," US Secretary of Homeland Security Michael Chertoff told MEPs on Monday. The Civil Liberties Committee debated the EU-US exchange of Passenger Name Records (PNR) with the US Secretary, expressing its worries about privacy and data protection. To MEPs voicing worries about improper use of PNR, Mr Chertoff said "civilised countries should respect each other's privacy laws."

"I believe we are at war," said Mr Chertoff, who described terrorism as "an ideological threat, a totalitarian vision imposed through violence." No-one wishes to forsake civil liberties for security, and both the US and the European states cherish these rights as democratic nations, he said. Nevertheless, "life is the liberty on which all others depend," he added, pointing out that PNR have already been used to keep some dangerous individuals out of the US and claiming that eleven of the 19 hijackers of the 9/11 planes could have been identified using similar data, "at minimal cost to civil liberties." He also took the view that traditional legal and policy tools are not suited to dealing with the new terrorist threats of the 21st century, and should be adapted to meet them.

Who does what with PNR?

Replying to questions about the effectiveness of gathering additional information about airline passengers, Mr Chertoff said that each additional piece of data would have flagged at least one additional hijacker in the 9/11 case. Sophia in't Veld (ALDE, NL), wondered if PNR were being used for purposes other than counter-terrorism, such as to control infectious diseases, or for private purposes by employers and insurance companies. She also expressed dissatisfaction at the fact that EU citizens have the protection of the US Privacy Act only because of "an administrative favour that can be recalled at will, and not through a legislative act."

Mr Chertoff replied that it is illegal for any private company to use data from PNR, and all those whose transgressed this law would be brought to justice. He nevertheless urged Europe to consider using the system as potential tool against the eventuality of a pandemic, noting that travellers' information would be invaluable in the case of a sudden outbreak of a communicable disease. He also advised MEPs to regard the American decision to extend legal protection to EU citizens as a positive step.

Herbert Reul (EPP-ED, DE) reminded MEPs that the time for negotiating the next PNR agreement was quite close, and that a positive outcome was critical. Stavros Lambrinidis (PES, EL) asked whether the new requirement about PNR that is included in Congress' draft bill on the visa waiver program would apply to everyone, or just to countries that so far have not benefited from the programme? Mr Chertoff assured him that the visa waiver bill would set uniform standards for all countries.

The battle for hearts and minds

"Do you recognise the extent of the damage that the US 'war on terror' has done to the fight against terrorism?" asked Sarah Ludford (ALDE, UK). "We are troubled that we are losing the battle for hearts and minds," added Mr Lambrinidis. Mr Chertoff replied that "notwithstanding individual incidents, the rule of law has been maintained in the West. Those that have overstepped the bounds of the law have been punished."

Reminding Members that the US and Europe had very different legal traditions, Mr Chertoff said that each side should respect the other's privacy laws. "Collection of PNR is allowed through the Chicago Convention," he said, "and we could implement it unilaterally. But we prefer to work together with the EU to find an agreeable solution."

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Committee on Civil Liberties, Justice and Home Affairs

In the chair : Philip Bradbourn (EPP-ED, UK)


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