

**ASSOCIATION OF ASIA PACIFIC AIRLINES
RESOLUTION NO. 8
Series of 2017**

A RESOLUTION ON PASSENGER FACILITATION AND PRIVACY LAWS

The AAPA ASSEMBLY OF PRESIDENTS, in its 61st meeting duly assembled,

RECOGNISING THAT:

- I. Air transport provides global connectivity with close to 4 billion passengers travelling every year;
- II. International Civil Aviation Organisation (ICAO) Standards and Recommended Practices (SARPs), notably *Annex 9 – Facilitation* and *Annex 17- Security* provide the necessary guidance to States on the implementation of procedures relating to passenger facilitation and aviation security;
- III. Border control and security is a government responsibility;
- IV. Government agencies play a key role in facilitating the smooth flow of passengers;

NOTING THAT:

- V. Enhanced border control measures have been adopted by many governments in response to perceived threats to national security;
- VI. Such measures include the use of advanced technologies, including biometrics and machine readable travel documents, and the mandatory provision of detailed information about passengers in the form of Advance Passenger Information (API) requirements, which have proved effective in helping to streamline passenger and crew processing whilst strengthening aviation security;
- VII. An increasing number of governments are mandating the provision of additional detailed information about passengers from Passenger Name Records (PNR), and in some cases, data elements not contained in the PNR;
- VIII. Requirements to share such passenger data may however violate applicable privacy laws in various jurisdictions;
- IX. Inconsistencies and lack of clarity in the implementation of such requirements can adversely affect passenger processing;

BELIEVING THAT:

- X. Inadequate consideration of the benefits of international standardization and harmonization in the data elements demanded by different governments has led to unnecessary duplication of effort for governments and the air transport industry;
- XI. Airlines face difficulties in reconciling conflicts between demands for PNR data by governments, and compliance with applicable privacy laws in multiple jurisdictions, resulting in potential liability issues;
- XII. Broader cooperative cross-border mechanisms amongst governments and industry are needed to provide a clearer legal framework for the provision of PNR data by airlines to governments;

RESOLVES:

- XIII. TO CALL on governments to recognize the international legal implications arising from the provision of PNR data by airlines, taking into consideration the need for airlines to comply with a multiplicity of privacy laws across different jurisdictions;
- XIV. TO CALL on governments to engage in greater cross-border cooperation, including the conclusion of bilateral agreements, so as to provide legal certainty to airlines on the provision of PNR data before implementation of such measures;
- XV. TO CALL on government agencies to work with all industry stakeholders, including airlines, to allow for sufficient time for the implementation of any new border control measures.

APPROVED this 25th day of October 2017.

Certified correct:



ANDREW HERDMAN
Director General

Attested by:



SU-CHIEN HSIEH
AAPA Chairman – 2017