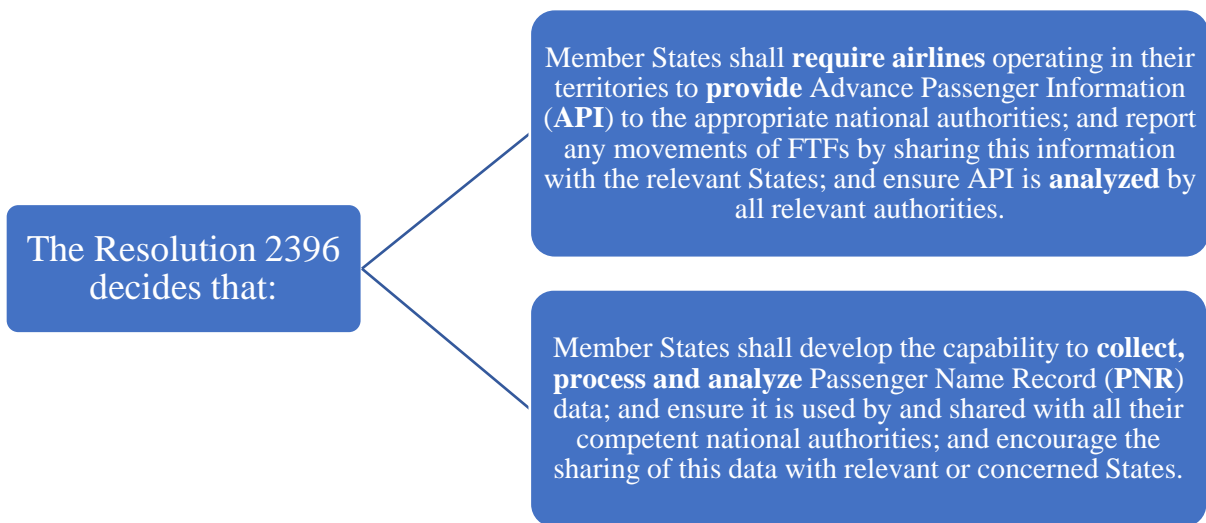# Outcome Document

from the 4th OSCE-wide Seminar

on Passenger Data Exchange

Organised Jointly by the
Organization for Security and Co-operation in Europe and the
United Nations Office of Counter-Terrorism

Zoom and Vienna, 29 – 30 October 2020

1. GLOBAL AND REGIONAL FRAMEWORK FOR ACTION

Prompted by an increased risk of returning foreign terrorist fighters (FTFs) following the loss of territory by terrorist groups in conflict zones, the United Nations Security Council (UNSC) adopted in December 2017 its Resolution 2396, which builds upon previous resolutions 2178 (2014) and 2309 (2016), and creates obligations for states to collect passenger data. This was further reflected in Resolution 2482, which addresses the relationship between organized crime and counter-terrorism, and mandates States to collect passenger data to stop terrorist travel and prosecute terrorism and organized crime, whether domestic or transnational.

The Resolution 2396 decides that:

> Member States shall **require airlines** operating in their territories to **provide** Advance Passenger Information (**API**) to the appropriate national authorities; and report any movements of FTFs by sharing this information with the relevant States; and ensure API is **analyzed** by all relevant authorities.

> Member States shall develop the capability to **collect, process and analyze** Passenger Name Record (**PNR**) data; and ensure it is used by and shared with all their competent national authorities; and encourage the sharing of this data with relevant or concerned States.

Resolution 2396 was adopted under Chapter VII of the United Nations (UN) Charter, which makes compliance with these obligations mandatory for all Member States. However, not all States have the resources or the capacity necessary to do so.

> That is why Resolution 2396 calls explicitly on regional organizations, such as the **OSCE** to provide **technical assistance, resources and capacity building** to Member States in order to implement such capabilities.

The OSCE is further promoting API as an effective instrument in the fight against terrorism. At the 2016 Ministerial Council, OSCE participating States adopted Decision 6/16 on Enhancing the Use of Advance Passenger Information.

> The text of the decision stipulates that the OSCE participating States will **establish national API systems** in alignment with existing international standards and seek to automatically cross-check the data against watch lists. It also tasks the **OSCE** executive structures with **supporting participating States** in doing this.

2. KEY ELEMENTS DISCUSSED DURING THE SEMINAR

SESSION 1 – USE OF API/PNR FOR PUBLIC HEALTH IN TIMES OF CRISIS

The COVID-19 pandemic has seriously impacted everyday lives and economies around the world since the beginning of the year. At the time of the 2020 OSCE and UNOCT Passenger Data Exchange Seminar (October 2020) almost 1.25 million people have died as a result of this virus.

Slowing down the rate of infection has been key in governments' responses in battling the pandemic, this has meant that the numbers of people travelling for work or pleasure has decreased dramatically. The OSCE and UNOCT have been promoting the use of API and PNR for several years in accordance with UN Security Council Resolutions relating to combating serious crime and terrorism. Is there scope to use this passenger data to make travel safer in a global health crisis?

The main objective of using passenger data in this way would be to understand who travelled to areas deemed to be high risk and when, additional data elements such as seat location, proximity to other passengers who were identified as being of risk or had started showing symptoms would be important for contact tracing purposes. Combining this data with an Electronic Travel Authorisation (ETA) where possible would be advantageous, particularly if details of an individual's vaccination records were checked as part of the issuance of an ETA.

It is important to emphasise that the collection and processing of passenger data for public health purposes has legal and human rights implications. ICAO is promoting the adoption and use of Public Health Forms for contact tracing purposes and to obtain information about the health status of passengers. Further, UNODC/TPB provided a set of suggested legal recommendations related to the protection of passenger and health data for public health purposes.

It should be remembered that although many passengers travel by air, in some regions the majority of cross border movements are by those travelling by sea or land and collecting uniformly formatted data from such travellers may be very challenging.

CONCLUSIONS:

*While API and PNR may be a useful tool in slowing the spread of future pandemics, it is not the silver bullet some may be looking for. **Getting uniform data** from all modes of travel will be a challenge. There will also need to be **adequate legal framework** to ensure the legality of requests of passenger data for these purposes, as well as **suitable protection mechanisms** relating to **data protection** and **human rights**.*

SESSION 2 – BUILDING A PASSENGER INFORMATION UNIT – DIFFERENT MODELS AND GOOD PRACTICES

A key theme throughout this session was cooperation on a multi-agency level. Information sharing, within the limits of the law in each country, is key to efficient working and maximising the use of API and PNR. It was acknowledged that such an approach may be a new way of working for some countries and that it can take time to adapt. It is usual for a lead agency to be appointed, this is often the border guard/police, but can be customs, the security service, or sometimes a function within a government ministry.

A multi-agency cooperation approach will mean that some data will need to be segregated and not shared initially – only data that is relevant can be shared between agencies.

API and PNR are part of a bigger picture and should be used with other data sources to understand risks at the border, for example an Electronic Travel Authorisation system.

Automated risk assessment is carried out in many PIUs, but automatic results are reviewed by a team member to confirm whether or not an alert is to be followed up.

PIUs can make use of an airline liaison or air carrier manager to work with the airlines. A person in such a role will ensure good cooperation with the airlines in getting the API and PNR in the correct format and on time. The person in this role can also ensure the airline understands their obligations to send data and can inform the airlines when these obligations are not met. Airlines can be fined for not complying with legal requests to send API and PNR.

CONCLUSIONS:

*Passenger information units (PIUs) ensure that **data is shared** between the relevant agencies working to manage a country's border, but also present an opportunity for **simpler collection of API and PNR** from airlines by the deployment of a single window. **Single windows** are points where airlines can send API and PNR to all government agencies, this data is then processed and shared accordingly. Single windows avoid the potential for multiple data transmissions being requested from airlines, for example, one transmission to the border agency, another to customs.*

Given the large interest in continuing technical discussions, or kickstarting country-to-country discussions, OSCE will coordinate intersessional meetings related to passenger data exchange as well as facilitate introductions and networking between OSCE pS.

*As a next step, the OSCE BSMU will organize **an inaugural PDE Country Experience and Private Sector Consultation Group Meeting in early 2021** (March TBD)*

SESSION 3 – COLLECTING AND ANALYSING DATA – HOW TO CONNECT WITH AIRLINES AND OPTIONS FOR ANALYSIS[1]

This session focused on the API and PNR options available from commercial service providers, exploring how data can be obtained from airlines as well as how the data can be analysed.

IATA explained their role in working to represent airlines' interests and highlighted the importance of adhering to aviation standards when requesting data in terms of both the formats that data should be sent, as well as the data fields that were required. Cooperation between governments and airlines often make for smoother running, more quickly delivered projects.

IDEMIA explained that their Traveller Analytics Suite compares API and PNR to data sources to look for potential persons of interest and can highlight patterns that may indicate a traveller presents a risk at the border.

Collins Aerospace focused on the delivery of good quality data being delivered on time from airlines to governments through the ARINC Border Management System suite of products.

SITA talked about the potential for a Health Electronic Travel Authorisation to be combined with good quality data could be used with interactive API to effectively export a country's border to the travellers' points of departure. This would make it difficult for persons posing a risk of infection to travel and spread disease.

WCC gave a presentation explaining that analytics is key in managing risk and looking for threats that you may know about already, but also in discovering risks you might not know about. Artificial Intelligence and Machine Learning were also mentioned as a potential future development in the identification and management of unknown risks.

CONCLUSIONS:

*Commercial service providers are only one option for governments and should be considered alongside donated and self-built systems; there are benefits and challenges with each option. If financial implications are to be considered the total cost of ownership of all options needs to be understood. Donated systems are rarely free and will come with some kind of cost, be it financial or a requirement to share data. Therefore, it is important that a participating State firstly **assesses** its human and financial **resources, capabilities and needs** before deciding what to do with connectivity service.*

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[1] The below summary does not represent OSCE favoring any of the private IT companies. The following content is presented as a platform for different available solutions and is for general information purposes only. It is up to participating States to choose the optimum option.

SESSION 4 – PRESENTATION OF THE CT TRAVEL PROGRAMME AND THE GOTRAVEL SOFTWARE

The CT Travel Programme, is an all-of-UN initiative, led by the United Nations Office of Counter-Terrorism (UNOCT), which seeks to build Member States capabilities to prevent, detect, investigate and bring to justice individuals suspected of terrorism or other serious crimes by using passenger data, in accordance with Security Council resolutions 2178 (2014), 2396 (2017) and 2482 (2019)

After determining a state's existing level of implementation, the Programme produces a "roadmap" for the Member State that identifies subsequent steps for implementation across the four pillars:

1. Pillar I involves the provision of legislative assistance to draft a regulatory framework to require airlines to transmit passenger data to national authorities and regulate the collection, processing and protection of this data.

2. Pillar II involves the institutional set-up of a Passenger Information Unit (PIU) and capacity-building support, including training, drafting standard operating procedures, and sharing expertise on the use of travel data.

3. Pillar III involves supporting setting up carrier engagement and connectivity, by actively coordinating with the airlines so that national authorities can partner with them and securely collect the data by electronic means.

4. Pillar IV involves the provision of technical support and expertise in the deployment, installation, enhancement and maintenance support of 'goTravel', the UN configured version of the Travel Information Portal (TRIP) system donated by the Kingdom of Netherlands as an effective software solution for countries to collect and process API/PNR data. INTERPOL also supports this pillar by linking goTravel to its databases on known terrorists and serious criminals.

CONCLUSIONS:

*There are multiple challenges in establishing passenger data systems, whether legal, operational, technical, financial, or with the transport industry. Thankfully, States no longer have to tackle these challenges alone. The UN Countering Terrorist Travel Programme offers **a comprehensive capacity-building support programme**, regardless of your level of development. Contact cttravel@un.org for more information or visit https://www.un.org/cttravel/ to find link to a summary of the Programme, a promotional video and FAQ section.*

SESSION 5 – INFORMAL WORKING GROUP ON API/PNR – EXPERIENCES AND GOOD PRACTICES

A regional Informal Working Group (IWG) provides a forum for Passenger Information Units and the policy makers involved in the establishment of such units to support the implementation of UN Security Council resolutions 2178 (2014), 2396 (2017), and 2482 (2019). It fosters the widest possible co-operation and exchange of information between PIUs based on reciprocity or mutual agreement and following commonly agreed principles and rules. The EU IWG, facilitated by EUROPOL, has proven to be a beneficial tool in discussing the latest developments and challenges for both air and maritime passenger information. The UN CT Travel Programme is working to replicate this model in regions across the world.

Representatives from Germany and Belgium, as the former and current Chair of the EU IWG, outlined some of the key elements for a successful IWG, namely:
- A rotating chairmanship
- 4 sub working groups (SWGs) on legal / operational / carrier engagement / technical aspects, with chairs for each sub-working group
- A solid rules of procedure for guiding the working methods
- A glossary or terminology list so everybody is speaking the same API/PNR language
- Using a secure information sharing platform
- Being open to non-member participants from international/regional organisations, the private sector and from other PIUs, who can share their expertise and lessons learned

To successfully organise the IWG, a Secretariat is important in order:
- To provide planning services – so the Chair and SWG chairs can put in place workplans for the year;
- To provide administrative services to support meetings – so to help with the logistics, providing the venue, arranging the agenda and reporting.
- To intermediate communication between members of the working group on an online platform.

The OSCE is offering to act as the Secretariat for a new IWG for OSCE pS not already participating in an IWG. Uniquely among regional organisations, the OSCE has already been working on API/PNR for the past number of years, has dedicated staff working on the subject, and has a strong network of field presences that can be used for arranging IWG and sub-working group meetings.

CONCLUSIONS:

States in Eastern Europe / Central Asia / Balkans who are not already participating in an API/PNR IWG, should collaborate to establish such a forum for sharing good practices and lessons learned.
The UN CT Travel Programme and the OSCE are proposing to facilitate coordination of this IWG, with the OSCE acting as the IWG Secretariat.
Draft standard operating procedures (SOPs), a glossary of terminology, and a secure online platform are already available for this purpose.

The 2020 Passenger Data Exchange Seminar was organized jointly by the OSCE and UNOCT. Below is the summary of how both organizations are currently engaged to promote compliance with Resolution 2396.

OSCE:

The OSCE Transnational Threats Department (TNTD) has been organizing Workshops on Establishing a Passenger Data Exchange System across the OSCE area since 2016. To date, TNTD has travelled to Serbia, Montenegro, Albania, North Macedonia, Prishtinë/Priština, Kyrgyzstan, Georgia, Uzbekistan, Turkmenistan, Moldova, Armenia and Tajikistan to work with local authorities to prepare tailored Roadmaps outlining the main steps they need to follow to implement API and PNR systems. These workshops are being followed-up with consultations aimed at supporting local authorities in implementing the Roadmaps. This includes the provision of legal advice and technical and operational assistance by an independent consultant. TNTD also organized 4 OSCE-wide Seminars on Passenger Data Exchange that took place in Vienna in 2017, 2018, 2019 and 2020.

TNTD will continue organizing consultations throughout 2021. If you believe that such an activity is of interest to your participating State, please get in touch with Mr. Cameron Walter and Mr. Armin Dervoz to consider the possibility of organizing an event in your capital.

UNOCT:

The UN Countering Terrorist Travel Programme is a global capacity-building initiative to support Member States to enhance their detection capacity to curb FTF mobility by using Advance Passenger Information and Passenger Name Record data – making them compliant with the requirements of the Security Council resolutions 2178 (2014), 2396 (2017) and 2482 (2019).

The Programme has four pillars: (i) legal assistance; (ii) operational support to establish and train your Passenger Information Unit; (iii) carrier engagement and connectivity; and (iv) implementing and integrating the UN GoTravel software for analysing the data.

What is different about the CT Travel Programme? Firstly, it is comprehensive – it aims to support all countries from the beginning to the end, regardless of their level of development. Secondly – the UN is non-commercial. So it is not trying to make a profit from Member States, from airlines or from passengers. Thirdly – the data. The UN does not have any access to, nor does it want any access the data. It belongs to the individual Member States.

See our introductory video for more information: https://www.un.org/cttravel/ or contact Mr Simon Deignan simon.deignan@un.org.

4. CONTACT INFORMATION

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