

2nd OSCE-wide Seminar on Passenger Data Exchange 1-2 November 2018, Hofburg, Vienna QUESTIONNAIRE

Information note

This questionnaire was prepared by the OSCE Transnational Threats Department (TNTD) as part of the preparation for the 2nd OSCE-wide Seminar on Passenger Data Exchange and 6th Thematic Meeting of the OSCE Border Security and Management National Focal Points (NFP) Network, which will take place on 1-2 November 2018 in Vienna.

The goal of the seminar is to provide OSCE participating States with a comprehensive understanding on the international obligations related to border management included in United Nations Security Council (UNSC) Resolution 2396. In particular, Resolution 2396 calls upon States: (i) to collect Advance Passenger Information (API) and Passenger Name Record (PNR) data; (ii) to develop systems to collect biometric information; and (iii) to share this information bilaterally and multilaterally including by using databases such as those of INTERPOL.

Objective

Prior to the 1st OSCE-wide Seminar on Passenger Data Exchange that took place in Vienna from 28 to 29 September 2017, TNTD shared a questionnaire aimed at collecting information on the establishment of national API systems in order to measure the level of implementation of [Ministerial Council \(MC\) Decision 6/16](#). This time, the questionnaire also includes questions related to the establishment of PNR and biometric systems and to the exchange of information with other participating States and/or regional and international organizations.

The information received from countries that already have API/PNR/biometric systems in place will be useful for identifying best practices and lessons learned to assist those participating States that are currently in the process of developing their own systems. In addition, the inputs from those States that do not have API/PNR/biometric systems in place will prove valuable information for determining their technical and financial needs, and to decide how the OSCE can best support these countries.

TNTD intends on circulating an anonymous statistical analysis on the use of API/PNR/biometric data in the OSCE area prior to the 2nd OSCE-wide Seminar on Passenger Data Exchange. We thank you in advance for your co-operation!

Target Audience

We recommend the questionnaire is completed by:

- **Officials who were involved in the establishment of national API/PNR/biometric systems**, for States who already have these systems in place.
- **Decision makers who will be involved in the establishment of national API/PNR/biometric systems**, for States who do not have such systems in place.

Requests for clarification

Please send your completed questionnaires in electronic (Microsoft Word) format by 1 October 2018 directly to Mr. Adrián Carbajo (Adrian.CarbajoAriza@osce.org) and Mr. Simon Deignan (Simon.Deignan@osce.org). In the event that respondents have difficulty in the completion of this questionnaire, require additional details or have questions, they should be directed to Adrián Carbajo (Adrian.CarbajoAriza@osce.org, Tel: +43 1 514 36 6771).

Questionnaire 1A – To be completed by States who already have (a) passenger data exchange system(s) (API/PNR) in place

Section 1 – Characteristics of the passenger data exchange system(s)

1. Type of system - if you have more than one (e.g. iAPI and PNR), please check all appropriate boxes

Batch style API
Interactive API (iAPI)
PNR

2. What is the status of implementation of your passenger data exchange system(s)? Please indicate how long your country has been collecting API and/or PNR data as well as the current number/percentage of air routes/carriers being targeted.¹

3. Has your country established a single window (i.e. one national authority receiving API data on behalf of all other authorities) and/or a Passenger Information Unit (PIU)?

Yes No

3a. If your country has established a single window, please indicate which national entity owns it:

3b. If your country has established a PIU, please indicate what national agencies are part of it:

4. Which national entities currently have access/make use of API and/or PNR data?

5. Does your country cross-check API and/or PNR data against national and/or international databases?

Yes, and it is done automatically Yes, and it is done manually No

5a. If 'Yes', **please indicate the databases** against which API and/or PNR data is being cross-checked:

6. If your country has a PNR system in place, do you process the data against pre-determined criteria, in order to identify persons that may be involved in terrorist offences or serious crime?

Yes No

¹ If possible, please share with us your national legislation related to API and/or PNR at Adrian.CarbajoAriza@osce.org.

7. Is your country providing or considering the provision of assistance to other States for the implementation of their API and/or PNR system(s)?

Yes No

7a. If 'Yes', please indicate what type of assistance is your country offering/willing to offer:

Section 2 – Implementation of the national passenger data exchange system(s)

8. Which national agency/department was responsible for driving the programme development (i.e. the 'project leader')? If different agencies were responsible for driving different programmes (e.g. one for API and another for PNR), please indicate so.

9. What national agencies/departments (apart from the project leader) participated in the establishment of your API and/or PNR system(s)? If different agencies took part in different programmes (e.g. some were involved on API issues but not on PNR ones), please indicate so.

10. What were the approximate costs of setting up your API, iAPI and/or PNR system(s)?

11. Have you had any assistance from participating States or other entities in developing your API, iAPI and/or PNR programme(s)?

Yes No

11a. If 'Yes', please provide more information:

12. Did you rely on a third party (e.g. commercial IT service provider) for the building of your API and/or PNR system?

Yes No

Section 3 – Data capture, transmission and retention

13. Are financial sanctions for airlines foreseen in case of non-compliance with your API and/or PNR requirements?

Yes No

13a. If 'Yes', please provide more information on the sums (e.g. maximum and minimum penalties):

14. How long can API and/or PNR data be retained? If different retention periods are foreseen for different types of data, please indicate so.

Section 4 – Evaluation of the national passenger data exchange system(s)

15. To what extent has the establishment of an API and/or PNR system(s) contributed to improving border management and countering terrorism in your country? Please, rate the impact of each of the systems in a scale of +5 to 0 (5 = very large positive contribution; 0 = no/negative impact) and provide an explanation to the rating.

16. Have there been some unintended benefits and/or drawbacks to the implementation of your API and/or PNR system(s) (e.g. spillover effects)?

Yes No

16a. If 'Yes', please provide more information:

17. Have any best practices in the implementation and the use of your national API and/or PNR system(s) been identified?

Yes No

17a. If 'Yes', please provide a list of examples:

Questionnaire 1B – To be completed by States who do not yet have a passenger data exchange (API/PNR) system in place	
<p>1. Does your country expect to implement an API and/or a PNR system within the next 12 months?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>1a. If ‘Yes’, what type of system are you expecting to implement?</p> <p>API/iAPI <input type="checkbox"/> PNR <input type="checkbox"/> Both <input type="checkbox"/></p>
	<p>1b. If ‘Yes’, is this included in a National Plan/Strategy?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1ab. If ‘Yes’, please provide more information (e.g. timeframe for implementation, type of system to be developed, etc.)²:</p>
	<p>1ca. If ‘No’, are there any specific reasons as to why your country has not yet implemented a passenger data exchange system?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1cb. If ‘Yes’, please provide more information:</p>
<p>2. What agency/department would be responsible for driving the programme development (i.e. the project leader)?</p>	
<p>3. What agency could take the lead in the formation of a single window (i.e. one national authority receiving API data on behalf of all other authorities) and/or a Passenger Information Unit (PIU)?</p>	
<p>4. What agencies/departments would have access to/make use of API and/or PNR data?</p>	

² If possible, please share the document with us at Adrian.CarbajoAriza@osce.org.

5. Do your national law enforcement and/or customs authorities have legal authority to access or receive API and/or PNR data?

Yes No

5a. If 'Yes', please **provide more information about the legal framework** (e.g. its content, where to find these legal provisions):

6. Does your country have enough technical capacity and/or sufficient resources to implement an API and/or a PNR system?

Yes Only API Only PNR No

6a. If 'No', **have you identified funding opportunities to do so?**

Yes No

6b. If 'Yes', please provide more information:

7. Is your country intending to develop your API and/or PNR capability by itself or do you believe you will need to engage with an outside service provider to assist in that process?

Develop it ourselves Engage with an outside service provider

7a. If you believe you will need to engage with an outside service provider, **has your country already started talks with anyone in this regard?**

Yes No

8. What type of assistance would your country need for the establishment of a national API and/or PNR system(s)?

8a. Would your country be interested in having an OSCE National Workshop on Establishing an API/PNR System in order to develop a Roadmap for Implementation?

Yes No

8b. Would your country be interested in hosting an independent consultant hired by the OSCE to provide technical and legal assistance (e.g. drafting legislation, issuing a Request for Information to service providers and governments offering donated API and/or PNR services, etc.)?

Yes No

8c. Would your country be interested in receiving hardware and/or software for setting up your passenger data exchange programme?

Yes No

Questionnaire 2 – Collection and exchange of biometric information

Section 1 – Collection of biometric information

1. Do you collect biometric information from foreign travellers arriving and/or departing your country?

Yes No

1a. If 'Yes', at what stage of the travel continuum do you collect these data?

At pre-departure (e.g. through visa applications)

At entry (e.g. through Automated Border Control systems)

At exit

1b. Please, indicate what type of biometric information is collected at the different stages of the travel continuum:

1ba. If 'Yes', do you collect biometric information from all categories of travellers (e.g. children, adults, etc.)?

Yes No

1bb. If you do not collect biometric data from all categories of travellers, please indicate the different criteria for collecting biometric information based on the traveller identity:

1ca. If 'Yes', does biometric data collection take place in all Border Crossing Points (BCPs) in your country, from airports to remote areas?

Yes No

1cb. If biometric data collection does not take place in all BCPs in your country, please indicate why and in which BCPs is biometric information collected:

2. Do you collect biometric information from persons applying for asylum in your country?

Yes No

Section 2 – Verification of biometric information

3. Do you perform Biometric Identity Verification (BIV) at the border (i.e. comparison of biometrics obtained from the traveller at the border with e.g. biometrics stored within the travel document, such as an e-passport)?

Yes No

3a. If 'Yes', please indicate how BIV is performed at your BCPs:

3b. If 'Yes', does BIV take place in all BCPs in your country, from airports to remote areas?

Yes No

4. Do you perform Biometric Watchlist Search (i.e. search of biometrics obtained from the traveller at the border or from their e-passport or travel application documents through a watchlist containing the biometrics of persons of interest, such as those wanted by law enforcement)?

Yes No

4a. If 'Yes', please indicate the watchlists against which the travellers' biometric data are checked?

National watchlists

Regional watchlists

INTERPOL's Face Recognition Database

INTERPOL's Fingerprints Database

INTERPOL's DNA Database

Other international watchlists

4b. If you are cross-checking travellers' biometric data against regional and international watchlists different from INTERPOL's, please indicate their names:

5. Do you exchange biometric information at the national, regional or international level?

Yes No

5a. If 'Yes', please indicate how biometric information exchange takes place:

Section 3 – Legal framework for biometric information collection and data protection

6. Is there a national legal framework in place allowing for the collection of biometric information for border control and/or counterterrorism purposes?

Yes No

6a. If 'Yes', please indicate the name of the law/s and where it/they can be found:

7. How long is the biometric data from the different categories of people crossing your borders retained by national authorities?

8. Is biometric data secured from unauthorized access and misuse?
Yes No
8a. If 'Yes', how is that done?

9. Do you ensure that the personal data provided is accurate?
Yes No
9a. If 'Yes', how is that done?

10. How do you ensure that the collection and exchange of biometrics is carried out in compliance with domestic and international human rights law (e.g. establishing appropriate and independent oversight bodies to supervise the activities of State agencies)?

Section 4 – Evaluation of the biometric data collection system

11. Have you faced or are you currently facing any challenges in the implementation and/or use of your biometric data collection system?
Yes No
11a. If 'Yes', please provide a list of examples:

12. Have any best practices in the implementation and the use of your biometric data collection system been identified?
Yes No
12a. If 'Yes', please provide a list of examples:

Remarks from OSCE participating States

Please use this page to include any additional comments you may want to make: