DATA PROTECTION IN THE EUROPEAN UNION IN TIMES OF TERRORISM:
A CASE STUDY ON PASSENGER NAME RECORD AGREEMENTS

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Academic Year: 2012-2013
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ABSTRACT

The thesis is aimed at exploring whether the personal data of European citizens are protected under the counter-terrorism measures of the European Union from a legal perspective. Does an appropriate balance exist between security and data protection? What is the approach of the European Union? Does the EU provide a normative framework that ensures a high level of data protection? This thesis will determine the advantages and weaknesses of adopting a security or a data protection approach. Furthermore, it will show how the European Union has undertaken a human rights approach although some incoherencies and issues still remain. To that end the study closely analyzes the European framework in the Area of Freedom, Security and Justice. Finally, a detailed analysis of the EU-US PNR agreement will be developed in order to underline the weaknesses of the European framework when it comes to undertaking particular measures which involve the exchange of information for law enforcement purposes.
Data Protection in the European Union in times of terrorism: a case study on the Passenger Name Record Agreements.

ACKNOWLEDGEMENT

First and foremost, I would like to express my special thanks and gratitude to Prof. Benedek for conducting the supervision of this thesis and for always being available and helpful. His extensive experience in the field has been an integral part of guiding me along this journey. Secondly, I would like to express my deepest appreciation to Prof. Matthias Ketteman for his patience and for sharing his knowledge, enthusiasm and positive energy during the last six months.

Thirdly, I would like to take this opportunity to thank the team at the Institute of International Public Law at the Karl-Franzens-Universität of Graz for making me feel at home.

Also, I would like to thank Francis McCabe for his patience in proofreading this thesis.

Last but not least, I would like to thank my family for their unconditional support.
Data Protection in the European Union in times of terrorism: a case study on the Passenger Name Record Agreements.

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<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AFSJ</td>
<td>Area of Freedom Security and Justice.</td>
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<tr>
<td>API</td>
<td>Advance Passenger Information.</td>
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<td>Article 29WP</td>
<td>Article 29 Data Protection Working Party.</td>
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<tr>
<td>CJEU</td>
<td>Court of Justice of the European Union.</td>
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<td>DHS</td>
<td>Department of Homeland Security.</td>
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<td>DPD</td>
<td>Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.</td>
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<td>DPFD</td>
<td>Council Framework Decision 2008/977/JHA.</td>
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<td>ECHR</td>
<td>European Convention in Human Rights and Fundamental Freedoms.</td>
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<td>ECtHR</td>
<td>European Court of Human Rights.</td>
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<td>EDPFS</td>
<td>European Data Protection Supervisor.</td>
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<td>EU</td>
<td>European Union.</td>
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<td>FOIA</td>
<td>Freedom of Information Act.</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights.</td>
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<td>JHA</td>
<td>Justice and Home Affairs.</td>
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<td>OECD</td>
<td>Organization for Economic Cooperation and Development.</td>
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<td>OSI</td>
<td>Optional Services instruction.</td>
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<td>PNR</td>
<td>Passenger Name Record.</td>
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<td>SIS</td>
<td>Schengen Information System.</td>
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<td>SSI</td>
<td>Sensitive Security Information.</td>
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<td>SSR</td>
<td>Special Service Requests Information.</td>
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<td>SWIFT</td>
<td>Worldwide Interbank Financial Telecommunication Agreement.</td>
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<td>TFEU</td>
<td>Treaty on the Functioning of the European Union.</td>
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<td>UDHR</td>
<td>Universal Declaration of Human Rights.</td>
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<td>UN</td>
<td>United Nations.</td>
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<tr>
<td>VIS</td>
<td>Visa Information System.</td>
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https://doi.org/20.500.11825/547

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