

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

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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.

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TABLE OF ABBREVIATIONS

AFSJ	Area of Freedom Security and Justice.
API	Advance Passenger Information.
Article 29WP	Article 29 Data Protection Working Party.
CJEU	Court of Justice of the European Union.
DHS	Department of Homeland Security.
DPD	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.
DPFD	Council Framework Decision 2008/977/JHA.
ECHR	European Convention in Human Rights and Fundamental Freedoms.
ECtHR	European Court of Human Rights.
EDPS	European Data Protection Supervisor.
EU	European Union.
FOIA	Freedom of Information Act.
ICCPR	International Covenant on Civil and Political Rights.
JHA	Justice and Home Affairs.
OECD	Organization for Economic Cooperation and Development.
OSI	Optional Services instruction.
PNR	Passenger Name Record.
SIS	Schengen Information System.
SSI	Sensitive Security Information.
SSR	Special Service Requests Information.
SWIFT	Worldwide Interbank Financial Telecommunication Agreement.
TFEU	Treaty on the Functioning of the European Union.
UDHR	Universal Declaration of Human Rights.
UN	United Nations.
UNSC	United Nations Security Council.
VIS	Visa Information System.

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