Position on Passenger data charges

Airlines invest significant resources to format and transmit passenger data to border control authorities; the receiving and processing of this data should be funded by States and not the airlines or passengers

SITUATION

In order to enhance border control and general security as well as to strengthen their intelligence capabilities, public authorities have requested airlines to electronically transmit passenger data. Airlines already collect data such as Passenger Name Records (PNR) for commercial purposes. In the case of Advance Passenger Information (API) or interactive API, however, airlines are asked to capture additional information such as passport data, then to format and transmit it electronically to immigration and other agencies. Airlines invest significant resources in setting up sophisticated IT systems to comply with an increasing number of API and PNR demands. Public authorities must equally invest in the development, implementation and maintenance of the IT systems receiving the information. The Myanmar government has done likewise and is considering to recover all or part of its costs by charging users in the form of a passenger-based fee.

IATA POSITION

IATA strongly opposes the collection of any user fees or charges to fund the transmission and processing of passenger data, or to support the necessary connectivity between airline and government systems. These are typical State functions, as confirmed in ICAO Document 9082, paragraph 7 iv) of Section II, where it is clearly stated that: "Civil aviation **should not be charged** for any costs that would be incurred for more general security functions performed by States such as general policing, intelligence gathering and national security".

The airline industry understands its responsibility and its unique position in assisting States to perform their security functions and is already transmitting passenger data to government entities such as immigration, customs or police for the purposes of border control, intelligence and security. The airlines have indeed funded the development of systems that can collect, format and transmit data in compliance with the requirements in over 70 countries at their own costs. Developing such systems costs in the range of hundreds of thousands of dollars, and it is reasonable to expect that the costs of the system development by the government receiving that mandatory data would be borne at public expense.

KEY REASONS WHY AIRLINES SHOULD NOT PAY FOR GOVERNMENT SYSTEMS ON PASSENGER DATA

1) Airlines, in compliance with national and international requirements, have already developed IT systems at their own costs to ensure the electronic transmission of passenger data to State authorities.

2) It is the responsibility of States to be able to receive and process such data once transmitted by the airlines. It is not up to the airlines to pay for government-used IT software.

3) Passenger data's transmission is required for border control, security and intelligence purposes; ICAO policies clearly state that civil aviation should not be charged for any costs that would be incurred for more general security functions performed by States such as general policing, intelligence gathering and national security (ICAO Doc 9082, Section II, paragraph 7 iv) refers).

4) Increased travel costs will negatively impact the growth of the aviation industry, which will in turn stifle economic growth and tourism.

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