

From: [REDACTED]
To: [REDACTED]
[REDACTED]
European Data Protection Supervisor <EDPS@edps.europa.eu>; dataprotectionoffice <dataprotectionoffice@frontex.europa.eu>
Sent at: 09/02/18 11:49:31
Subject: RE: Case 2017-0874 Further clarifications on FAR

Dear [REDACTED], dear colleagues,

Please find attached to this mail the answers to your questions in relation to FAR. The paper also contains some answers to questions posted by Mr Lareo on previous exchange of mails. Goes without saying that should there be further questions, we are more than willing to collaborate.

I wanted also to thank you for your efforts.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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From: [REDACTED]
Sent: 30 January 2018 17:11
To: [REDACTED]
Cc: [REDACTED] European Data Protection Supervisor <EDPS@edps.europa.eu>
Subject: Case 2017-0874 Further clarifications on FAR

Dear [REDACTED]

I hope this email finds you well. We would like to ask you for specific clarifications on several topics, mainly relating to IT issues of FAR.

1. During the meeting, you have stated that PNR data is not deleted, and we would like confirmation on that. If that's right, we would like to know:
 - The type/s of PNR data stored (we assume PNR number).
 - The purpose of keeping the data after the 30 days period.
2. If we remember correctly, Frontex explained at the meeting that FAR processes information on [REDACTED]. We believe that it was on scheduled flights return operations. What kind of data are collected and processed on [REDACTED]? Is such membership data of [REDACTED] deleted or kept? For how long?
3. We have checked the measures Frontex lists as solutions to address the issues detected on the vulnerability assessment. It seems that some of the issues are still unsolved, but we might have missed something. It could also be that some of the measures might be planned but not implemented. If that is the case we would need the approximate planning dates. The following list describes the issues that appear to be unsolved.
 - We have just reproduced the POC of the chapter 4.4 of the report and the issue seems to persists as the output is

[REDACTED]

[REDACTED] r page) but the response headers don't contain

[REDACTED]

[REDACTED]

[REDACTED]

From the legal point of view, we would like to ask for specific clarifications on contracts with travel agencies and airline carriers. Have you only signed a contract with the travel agency as per Annex 5(b) of the notification? Moreover, are there any further contracts with airline carriers in reference to return operations?

Please note that in accordance with Article 27(4) of Regulation (EC) 45/2001, the case is suspended until receipt of the replies. Please put the functional mailbox (edps@edps.europa.eu) in copy and mention case number 2017-0874, as the date of receipt is the only date that will be taken into account for lifting the suspension.

Thanks in advance for your collaboration,

[REDACTED]



[REDACTED]
Supervision & Enforcement

European Data Protection Supervisor
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Frontex answers to the EDPS on request for clarification on FAR

Q1: PNR data is not deleted, and we would like confirmation on that. If that's right, we would like to know:
a. the type/s of PNR data stored (we assume PNR number). B. The purpose of keeping the data after the 30 days period.

A1: Following your question, we specify that by PNR we meant solely the PNR number (or booking number). We do confirm that booking and ticket numbers are not deleted at the same time as the contact details of the passenger. These are kept also for a limited period and disassociated of the contact/identification details of the passenger, which is deleted after 30 days since completion of operation as mandated by the Frontex Regulation. The purpose of keeping these separate pieces of information is financial reasons. In particular, Frontex Finance needs to crosscheck the invoices in order to authorise the payments, following the Frontex Financial Regulation. In specific, Frontex pays the travel agency with a fixed amount of money per booking, and refunds the tickets paid in advance by the travel agency. Hence, the booking number is needed to calculate the amount to be payed to the travel agency, whereas the ticket numbers are needed to refund the agency for the tickets they paid in advance. The number of bookings always differs from the number of tickets, since many bookings are made and then cancelled, as well as many tickets are issued and then cancelled for operational reasons.

The travel Agency sends the invoice and its specifications to Frontex every 1st of the month (this month we received it on the 6th). We have to consider that our Financial Sector cross checks the invoices in 15 days. Therefore, 60 days is a reasonable time before deleting the tickets and booking numbers. At the current moment, booking and ticket numbers are being deleted manually. FX is working on the automatization of this deletion to have it fully functional by the end of February. FX is looking at a retention period based on two scenarios for this particular set of data: a. for the booking and ticket numbers, automatic deletion will take place 60 days after completion of the operation. b. Automatic deletion of PNR and ticket numbers will take place every 1st day of the third month since the completion of the operation (ex. 1st April for all operations carried out in January), as suggested by our ICT Department. This automatization would have a much lower impact on the system (all operations processed at the same time, and not singularly). The deletion solution we are seeking is a hard deletion, where no recovery would be possible.

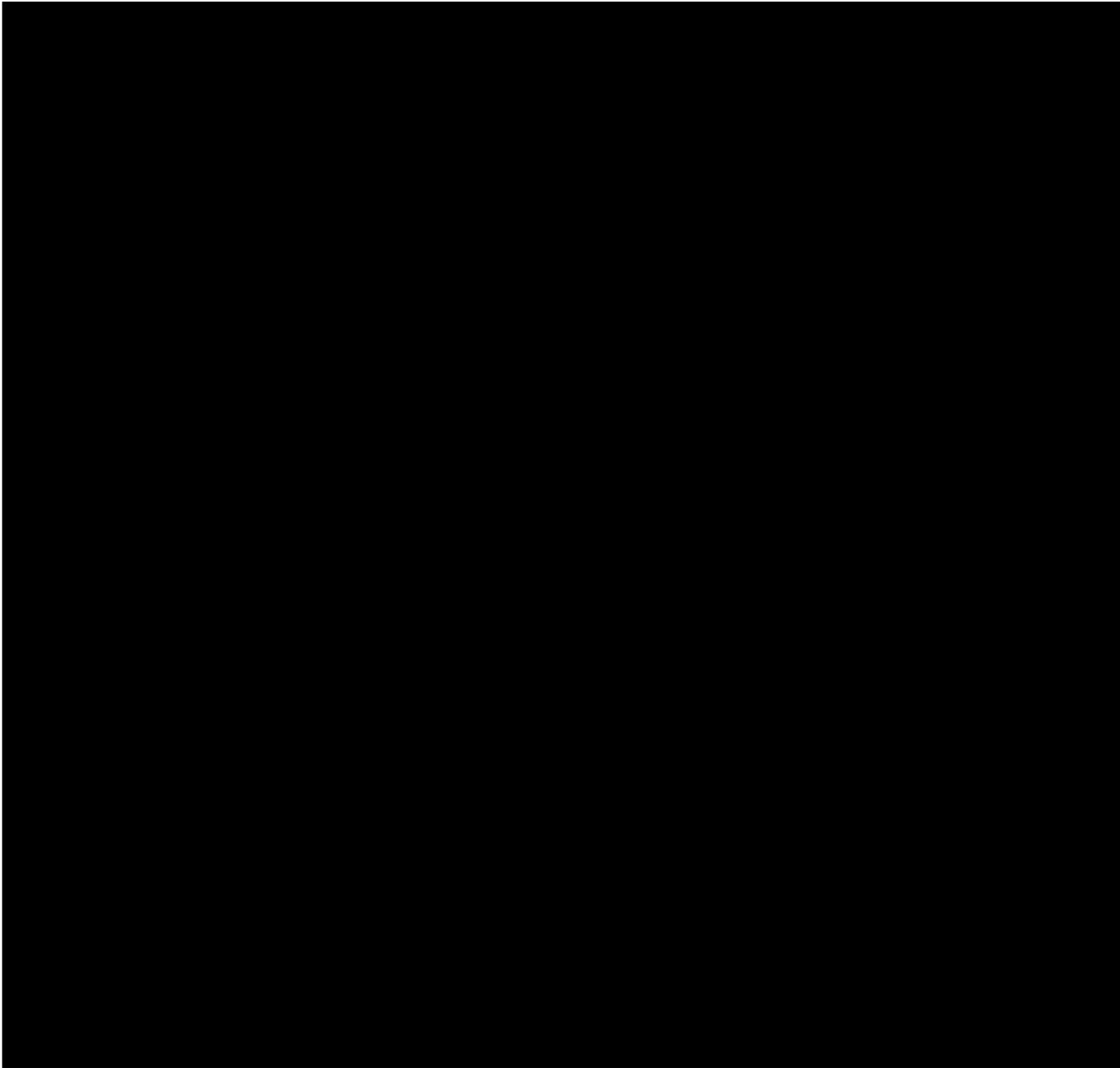
It needs to be stressed again that booking and ticket numbers are completely disassociated of the contact/identification details of the passenger.

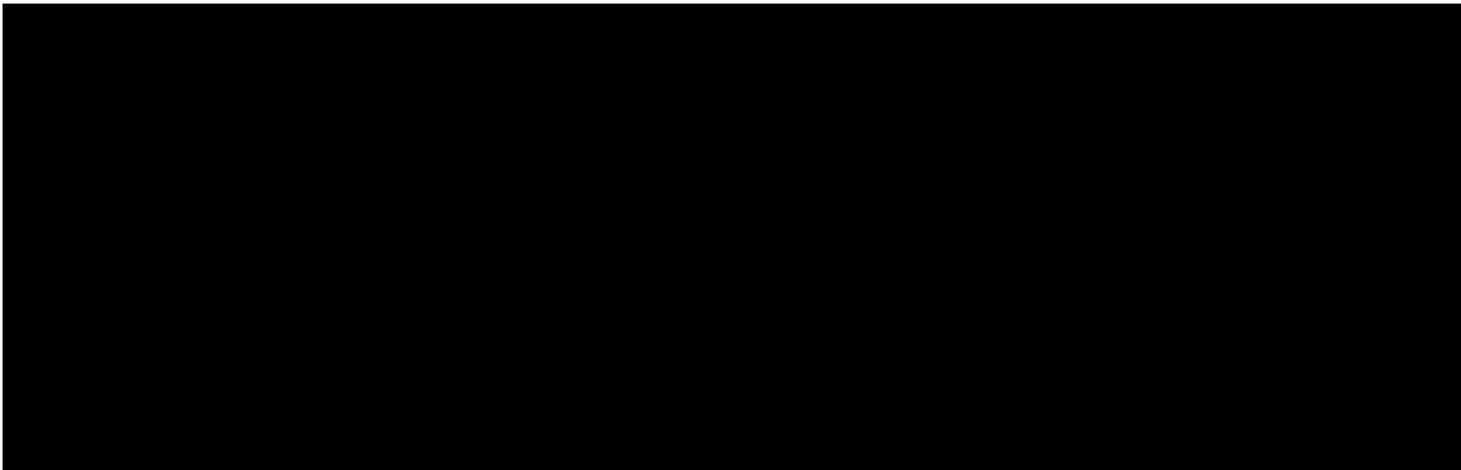
Q2: Frontex explained at the meeting that FAR processes information on [REDACTED]. We believe that it was on scheduled flights return operations. What kind of data are collected and processed on [REDACTED]? Is such membership data of [REDACTED] deleted or kept? For how long?

A2: During the booking process, Member States indicate if the returnee is [REDACTED]. No precise relation to another passenger is indicated, nor is any

other information given indicating the type of relationship. Frontex needs this information to guarantee that [REDACTED], even if the bookings are made separately. The reason for FX to guarantee this is based on Article 7 and Article 24.3 of the EU Charter of Fundamental Rights, respectively dealing with the Right to respect for private and family right and the Rights of the child. This, in turn, is followed by the Guide on Joint Return Operations coordinated by Frontex, which is the basis on how this agency should coordinate return operations. In addition, allowing a family to travel together reduces risks of conflict within the return operation itself. In addition, this kind of information is also needed for statistical purposes. In several occasion, several of our stakeholders ask Frontex for statistics on [REDACTED], [REDACTED] [REDACTED], in order to obtain a better and more accurate picture of the migration situation within the Union. Finally, Frontex would like to state that once the personal data is deleted of all data subjects taking part of the return operation, Frontex only keeps the information that on a given flight, [REDACTED] [REDACTED] have travelled.

Q3: on several issues related to ICT development, please find below a compendium regarding the current





The items marked to be fixed by [REDACTED] are estimated to be completed in the production environment by the end of Q2. Further, [REDACTED]

About the status of vulnerabilities identified by the CERT-EU, unfortunately nothing is fixed yet. However, Frontex is not in the position to provide exact dates or fixing plan.

In addition, attached to this email you will find a (password protected, please contact me via telephone in order to provide the passport) the Safeguard Evaluation, as asked by Mr Lareo in previous exchange of mails.

Q4: Specific clarifications on contracts with travel agencies and airline carriers. Have you only signed a contract with the travel agency as per Annex 5(b) of the notification? Moreover, are there any further contracts with airline carriers in reference to return operations?

A4: Frontex has not signed any contract with air carriers. Frontex has just signed a contract with the Travel Agency. However, the Travel Agency has signed specific agreements with the concerned carriers, specifying the conditions related to the Frontex Pilot Project. There is no further contract with airline carriers in reference to return operations.