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## US 'licence to snoop' on British air travellers

By David Millward, Transport Correspondent  
Last Updated: 1:35am GMT 01/01/2007

Britons flying to America could have their credit card and email accounts inspected by the United States authorities following a deal struck by Brussels and Washington.

By using a credit card to book a flight, passengers face having other transactions on the card inspected by the American authorities. Providing an email address to an airline could also lead to scrutiny of other messages sent or received on that account.

The extent of the demands were disclosed in "undertakings" given by the US Department of Homeland Security to the European Union and published by the Department for Transport after a Freedom of Information request.

About four million Britons travel to America each year and the released document shows that the US has demanded access to far more data than previously realised.



Air passengers face having credit card transactions and email messages inspected by the American authorities

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Not only will such material be available when combating terrorism but the Americans have asserted the right to the same information when dealing with other serious crimes.

Shami Chakrabarti, the director of the human rights group Liberty, expressed horror at the extent of the information made available. "It is a complete handover of the rights of people travelling to the United States," she said.

As the Americans tightened security after the September 11 attacks, they demanded that airlines [provide comprehensive information about passengers](#) before allowing them to land.

But this triggered a dispute that came to a head last year in a Catch 22 situation. On one hand they were told they must provide the information, on the other they were threatened with heavy fines by EU governments for [breaching European data protection legislation](#).

In October, Brussels agreed to sweep away the "bureaucratic hurdles" preventing airlines handing over this material after European carriers were threatened with exclusion from the US. The newly-released document sets out the rules underpinning that deal.

As a result the Americans are entitled to 34 separate pieces of Passenger Name Record (PNR) data — all of which must be provided by airlines from their computers.

Much of it is routine but some elements will prove more contentious, such as a passenger's email address, whether they have a previous history of not turning up for flights and any religious dietary requirements.

While insisting that "additional information" would only be sought from lawful channels, the US made clear that it would use PNR data as a trigger for further inquiries.

Anyone seeking such material would normally have to apply for a court order or subpoena, although this would depend on what information was wanted. Doubts were raised last night about the effectiveness of the safeguards.

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"There is no guarantee that a bank or internet provider would tell an individual that material about them was being subpoenaed," an American lawyer said.

"Then there are problems, such as where the case would take place and whether an individual has time to hire a lawyer, even if they wanted to challenge it."

Initially, such material could be inspected for seven days but a reduced number of US officials could view it for three and a half years. Should any record be inspected during this period, the file could remain open for eight years.

Material compiled by the border authorities can be shared with domestic agencies. It can also be on a "case by case" basis with foreign governments.

Washington promised to "encourage" US airlines to make similar information available to EU governments — rather than compel them to do so.

"It is pretty horrendous, particularly when you couple it with our one-sided extradition arrangements with the US," said Miss Chakrabarti.

"It is making the act of buying a ticket a gateway to a host of personal email and financial information. While there are safeguards, it appears you would have to go to a US court to assert your rights."

Chris Grayling, the shadow transport secretary, said: "Our government and the EU have handed over very substantial powers to gain access to private information belonging to British citizens."

A Department for Transport spokesman said: "Every airline is obliged to conform with these rules if they wish to continue flying. As part of the terms of carriage, it is made clear to passengers what these requirements are."

The US government has given undertakings on how this data will be used and who will see it."

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