

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**SUPPLEMENTARY BUDGET ESTIMATES 2011-2012**

Attorney-General's Portfolio

**Department/Agency:** Attorney-General's Department

**Outcome/Program:** 1.1.4

**Topic:** EU-Australia Passenger Name Record Transfer Agreement

**Senator:** Senator Rhiannon

**Question reference number:** 167

**Type of question:** Written

**Date set by the committee for the return of answer:** 2 December 2011

**Number of pages:** 1

**Question:**

What involvement if any has the Privacy and FOI Branch had in the renegotiation of the EU-Australia Passenger Name Record Transfer Agreement, and why has there been no public consultation on this important agreement?

**Answer:**

An officer of the Privacy & FOI Policy Branch was a member of the Australian negotiating team for the revised *Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service* done at Brussels on 29 September 2011. The Branch was at that time part of the Department of the Prime Minister and Cabinet. It is now part of the Attorney-General's Department and is called the Information Law and Policy Branch. The existing Australia-European Union (EU) PNR Agreement has operated on a provisional basis since its signature on 30 June 2008. In general terms, the revised agreement is substantially similar to the existing agreement, on which the Joint Standing Committee on Treaties (JSCOT) reported in 2008. The revised agreement contains strict provisions concerning the provision of adequate protection of personal information contained within PNR data; an individual's rights of access and redress, rectification and erasure; and remedies and sanctions for misuse of personal information. The revised agreement does not require amendments to be made to Australian privacy law.

It is expected that the revised agreement will be tabled in the Parliament in late 2011 and reviewed by JSCOT within 20 sitting days. As part of its inquiry process, JSCOT will invite written submissions from the public addressing the terms of reference. The states and territories have been notified of the revised agreement through the Standing Committee on Treaties (SCOT) Schedule of Treaty Action. Negotiations were listed on the SCOT Schedule of Treaty Action from 2004 until 2008 and again in 2011 and no comment has been received to date.