

Draft**Frequently Asked Questions (FAQs)****FAQ 13 - Airline Passenger Reservations**

Q : When can airline passenger reservation and other travel information, such as frequent flyer information, and special handling needs, such as meals to meet religious requirements or physical assistance, be transferred to organizations located outside the EU?

A: Such information may be transferred in several different circumstances. Under Article 26 of the Directive, personal data may be transferred "to a third country which does not ensure an adequate level of protection within the meaning of Article 25(2)" on the condition that it (1) is necessary to provide the services requested by the consumer or to fulfill the terms of an agreement, such as a "frequent flyer" agreement; or (2) has been unambiguously consented to by the consumer. In addition to those and other circumstances, such information can be transferred to U.S. organizations subscribing to the safe harbor, provided that the European transferor has adhered to the terms of the relevant Member State laws. For example, customers may inform airlines (or travel agents) of the need for physical assistance or other special needs. The transfer of such information to organizations within the safe harbor is permissible because adherence to the principles provides adequate protection of personal information, even where this includes sensitive information.