

2 Sep 2011

From: Edward Hasbrouck <edward@hasbrouck.org>
To: LDI NRW <Poststelle@ldi.nrw.de>
Subject: Re: Lufthansa; right of access
Date sent: Fri, 02 Sep 2011 12:13:07 -0700

Re: My complaint dated 11 August 2010
Az.: 67.5.4.2 - 2821/10

I appreciate your e-mail message of 16 May 2011, in which you provided an informal explanation in English of some of your thinking about my pending complaint. Thank you for allowing me to proceed in English.

In response to your letter, Lufthansa eventually sent me the attached letter dated 7 June 2011 with a portion of my PNR data.

However, this contains only a portion of the PNR data about me which Lufthansa authorized Amadeus to make available to the US department of Homeland Security. Specifically, it does not include the so-called "history" portion of the PNR, which is an audit trail and change log showing the time, date, and source of each entry or change in the PNR.

All DHS statements concerning its acquisition of PNR data, and the excerpts from PNR data which I have obtained from the DHS, show that the DHS acquires the "history" as part of each PNR.

In addition, although your e-mail message says that Lufthansa has told you about certain third parties who received some (unspecified) portion of my data, Lufthansa has not listed them to me. And the partial PNR they provided contains evidence that another travel agency, the "consolidator" Transam Travel also received my PNR data. Transam Travel was not named by Lufthansa in their communications either to you or to me.

I am still waiting to receive the PNR history, a complete list of third parties and third countries to which my data was transferred, or any information as to which portions of my data were transferred to which third parties or third countries.

I remind you that my request for information about transfers of my data to third parties and third countries was not limited to transfers to government agencies. Although Lufthansa provided you (but not me) with a lists of some of the third parties who received my data, they have provided no list of the third countries to which my data was transferred.

The reason for this is that Lufthansa does not know who may have retrieved my data, or from what countries. In violation of German law, neither Lufthansa nor Amadeus has any geographic controls on access to PNR data. neither Lufthansa nor Amadeus keeps any logs of who accesses which PNRs. *Any* Lufthansa (or Amadeus) office in *any* country around the world can

retrieve *any* Lufthansa PNR. No record is kept of this access.

I reiterate my pending request that you impose sanctions on Lufthansa for failing to restrict transfers of PNR data to other countries, and order Lufthansa to begin logging all trans-border access to PNR data and restricting trans-border transfers to that information actually needed to fulfill customer requests.

I assume that eventually I will receive a formal decision from you (I understand that this will of course be in German) concerning my complaint, and formal notice of my rights of administrative or judicial appeal.

However, your message suggests that there are still some important factual misunderstanding as well as legal questions, which a face-to-face meeting might help to resolve and which might better inform your eventual decision. I will be in Europe next month, and could come to Dusseldorf to meet with you if you are willing. I have some flexibility in my schedule, but as of now, October 14, 17, or 31 would be the best possibilities for me. If you are open to a meeting on one of those days, I will try to find a German-speaking friend to accompany me.

Sincerely,

Edward Hasbrouck

Attachments:

H:\Desktop\PNR\LH\LH-to-Hasbrouck-7JUN2011.pdf