

Information Article

Data
Protection

In Passenger Airline Type 'Emergency Response Planning' Contexts

Relevance:

- The potentially *severe / adverse shortcomings and impacts etc.* - (of current [2025] **'data protection' / 'personal privacy'** etc. type laws / regulations / codes / policies / best practice etc. in *world-wide use*) - *of / on* the 'typical' **catastrophic, passenger aircraft accident** (mass fatality aviation disaster etc.) type planning, response etc. situations / scenarios etc.

+

- Other (equivalent) **humanitarian** etc. type crises - also set in **aviation** related contexts / situations - e.g. *natural disaster, pandemic, serious security situation* etc.

.....Relating To:

Airlines; Airports; Ground Handling Agents (+ a significant number of **relevant** 'others also potentially involved' etc.) - all required to collect, process, share, transfer, safeguard, store etc. **personal information / data** (including **SENSITIVE** personal data) - during the conduct of any **associated** and **concurrent emergency / crisis** (e.g. *catastrophic passenger aircraft accident / equivalent event*) type response ops / roles / duties / responsibilities / accountabilities etc. All of the above typically (as used herein) being on a 24 hour **world-wide** basis + also as relative to the purposes, aims, intentions, outcomes etc. - as documented in **this** information article

.....Covering / Addressing etc:

Proposed **solutions / workarounds** etc. re the above etc. - (to '*make it all better work on the day*' - to all extents reasonably possible / permissible etc.) - by effectively **'PRE-planning'** for (+ training, exercising etc.) - and then adequately '*managing*' etc. any associated **data protection** etc. type issues accordingly '*on the day*' - *in conjunction with what is documented herein*



CATASTROPHIC AIRCRAFT ACCIDENT



AVIATION DISASTER



WITH MASS FATALITIES + INJURED + UNINJURED + 'MISSING / UNKNOWN PERSONS' (and more) TYPE CONSIDERATIONS



PREAMBLE

IF 'YOU' **ARE** INVOLVED IN SOME RELEVANT / SIGNIFICANT WAY - WITH AVIATION RELATED **EMERGENCY RESPONSE** (aircraft accident etc.) **PLANNING OPS** etc. - more particularly those re **PASSENGER** (**most** particularly **long-haul**, **multi-destination**) **AIRLINES**:



'DATA PROTECTION' (**DP**) / 'PERSONAL PRIVACY' TYPE LEGISLATION / REGULATION etc. (in its [2025] forms / usage world-wide) **WILL ALMOST CERTAINLY ADVERSELY and SIGNIFICANTLY 'GET IN THE WAY OF / INTERFERE WITH'** etc. (albeit unintentionally) **SIGNIFICANT ASPECTS OF WHAT 'YOU' ARE / WILL / MIGHT BE TRYING TO ACHIEVE - RE PREPARING FOR / RESPONDING TO SAME - IN BOTH 'PRE-PLANNING' + 'ACTUAL' **EMERGENCY RESPONSE OPS** CONTEXTS**

THUS, EVERY EFFORT SHOULD BE MADE NOW (i.e. before any such catastrophic aircraft accident etc. can occur) **BY AIRLINES** (+ associated **Airports**, **Ground Handling Operators**, **Governments**, other relevant **Authorities** etc.) - **TO RESOLVE, AVOID, MITIGATE** etc. - **SUCH 'POTENTIALLY DIRE' SITUATION**

Are (mid-2025) DP / Personal Privacy Laws etc. 'Standardised' World-wide?

The answer is definitely **NO** - thus creating **SIGNIFICANT PROBLEMS** insofar as (predominately but not exclusively) **international**, passenger airline services are concerned - more particularly those '**long-haul**' operators - with extensive, worldwide routes, serving **many** different destinations. (e.g. '**Turkish Airlines**' - which held the **2025** 'record' for operating to the most **DIFFERENT** countries [**131** i.e. 2/3 of the world's recognised countries] using **375** aircraft)

Note: The **larger** a passenger aircraft's **seating capacity** - the more said DP 'problems' might be exacerbated (worsened) e.g. the **Airbus A380** has the capability of carrying up to around **800** passengers

Why 'NO'?

Because - as **personal data** - **particularly** that used by **long-haul / multi-destination** airlines (to 'do what they do' - re **normal** business type ops etc.) is shared (worldwide) - it is 'processed' in various countries / groups of countries (e.g. EU for latter) - potentially having *** differing** DP / Privacy laws / associated systems etc. (e.g. from each other; [*if any at all for some as at 2025!*]) in place. Furthermore, 'those' which actually **are** in place, can and do have significantly **differing meanings, usefulness, clarity, strengths** etc. - re what they might **legitimately** etc. be trying to achieve, in data protection contexts

* Around **170 countries** etc. (out of around **195** in the world) had (early **2025**) adopted some form (*good / bad / otherwise*) of '**DP / personal privacy**' etc. type law, regulation, code of practice etc. **HOWEVER**, as there had been relatively little (effective) **pre-coordination / standardisation** etc. of same between a **VERY** significant number of such countries etc. up to that time - said situation was strongly expected (from DP viewpoints) **to have associated, adverse impacts on passenger airlines - MORE particularly those long-haul operators routinely overflying many different countries worldwide - in the course of conducting said operations**

Furthermore, **NO** associated **WORLDWIDE standardisation** re **DP** etc. **currently** exists (whilst many airlines do, of course, operate international routes every day - over much, if not most of the globe). Said 'lack' of standardisation, in particular, makes such airlines significantly '**vulnerable**', re **associated DP type matters in general** - and those associated with airline etc. **emergency response** situations / operations etc. - **in particular**

However, note that a small 'first' step (re such DP standardisation) took place in May 2018, when all (then) **28** countries of the **European Union (EU)** became subject to a standardised (**EU specific**) data protection etc. 'regime' - known as the **General Data Protection Regulation - GDPR**

Note: The **EU GDPR** also applies to e.g. relevant governments, companies / organisations / entities (**including passenger airlines** etc.), persons etc. - of **non-EU** countries - **when they market / provide goods, services etc. to / with / from EU entities, citizens etc. - during which they (said 'relevant governments etc.') control / process etc. personal data - re such EU entities, citizens etc.**

Concerning **NORMAL** business ops, note that it was already (2025) **DIFFICULT ENOUGH** for 'involved / relevant' **airlines** etc. to become adequately aware of / comply with etc. - **ALL** such DP requirements, differences etc. - as per what is referred to just above (also / furthermore being proportional, of course, to the number of **different** countries routinely operated to / overflown etc. by any, particular flight. The more the countries, the more the potential difficulties re the associated and various **data protection** type situations - that can / might / will arise - **and which must thus be pre-accounted for accordingly!**)

<https://www.youtube.com/watch?v=0yvMmv3SSvQ>



The aforesaid situation (previous page) would be **significantly exacerbated / complicated** in circumstances where international airlines (more particularly *long-haul* operators) need to respond to e.g. an **associated MAJOR** crisis situation - having **VERY** significant '**HUMANITARIAN**' related components / considerations (amongst others). Said exacerbations / complications relate most particularly to the **CATASTROPHIC** (mass fatality / aviation disaster etc. type) **passenger AIRCRAFT ACCIDENT** / equivalent severity (aviation related) type situations

Note: The interested reader might now take a look at '**Definitions**' - starts page **20** - and then return here?

A **WORKAROUND** solution (to what has been documented so far above) - would require **potentially** 'involved / affected etc.' airlines - to **PRE**-prepare and **publish / distribute / use** etc. information (e.g. via / as part of their associated '**Conditions of Contract / Carriage for Passengers**' type **policy / policies** etc.) re associated / relevant **data protection** type matters **specifically**

The intention here is to apply same to a / any **relevant real / actual, major aircraft 'emergency' type situation** - as per '**actual circumstances prevailing on the day**' (re the accident etc. itself etc.)

Said '**workaround**' solution **would typically only be applied** in **pre-defined / specific** circumstances e.g. a catastrophic aircraft accident concerning an airline's own flight(s); re an involved 'partner' airline's flight(s); in other, **pre-specified** (exceptional) circumstances etc.

Should such 'workaround' solution be activated 'for real' - the associated **NORMAL business** elements of the '**Conditions of Contract / Carriage for Passengers** policy would typically **STILL** apply **concurrently** to **ALL** of the involved airline / airlines' **OTHER** flights etc. - (as/if) still operating

Circumstances permitting / relevant etc. - it is proposed that what is documented in the boxed information and last paragraph above - also covers (in some, relevant way) any of 'the accident airline's **partners**' etc. (airlines or otherwise)] - **potentially** becoming involved (in the same / similar way as described above *i.e. in a data protection context*) - in such **associated** emergency response operations

Any activated 'workaround' etc. privacy policy (e.g. re the accident etc. flight only) should remain in place until the related emergency / crisis is deemed by the associated, accident airline / whoever etc. - to have been adequately resolved / concluded etc.

It is 'proposed' here that 'representative' organisations for / of international aviation e.g. **ICAO, IATA** (Aircraft Operators), **ACI** (Airport Operators) etc. - recognise, take-on and adequately participate in further resolving the above and other / similar (data protection related) challenges, on behalf of their members - **as a matter of high priority**

Note: The 'latter process' (last para above refers) **started** in September 2023 - **BUT** 'we' were still (early 20**25**) some significant time / distance etc. away from adequate solution(s) 'satisfactory' to all, relevant stakeholders. For further context re this, see the information (**IATA** - dated **May 2024**) found via the below link:

<https://www.iata.org/contentassets/da67b41b565c4bd88d5944b136cc8d15/data-protection-white-paper.pdf>





Other **associated** link info that might be similarly useful to the interested reader (as at early 2025) - includes:

March 2022 - <https://www.icao.int/Meetings/LC38/Documents/WP/LC38%20WP%207-1%20EN%20Privacy%20laws%20and%20International%20carriage%20by%20air.pdf>

July 2022 - https://www.icao.int/Meetings/a41/Documents/WP/wp_073_rev_en.pdf

Feb / March 2024 -

https://www.iata.org/contentassets/67e015cf3db1410392cd5b5bb5961a16/iata_tackling_pnr_data_challenges_conflicts_data_protection_laws.pdf

May 2024 - <https://www.icao.int/MID/Documents/2024/DGCA-MID%207/WP23.pdf>

June 2024 - https://www.icao.int/Meetings/LC39/Documents/LC39-WP%206-3%20INTERNATIONAL%20CARRIAGE%20BY%20AIR%20AND%20DATA%20PROTECTION%20LAWS_final.pdf

NB: Whilst the info found via the above links *might* be useful in **SOME** 'data protection' contexts - **it does NOT SPECIFICALLY address the 'problematic' data protection vs catastrophic aircraft accident type situation** - as per the aforesaid and documented elsewhere in **THIS** 'information article'

That this latter situation **MUST be so remedied without delay** should be obvious to all in the passenger airline industry, involved in some significant way, in associated '**emergency** response planning' contexts

Until what is proposed just above (or elsewhere herein, as relevant) actually eventuates and is seen to be working in practice, it is **strongly** suggested that **airlines / airports / GHAs** etc. plan on (legally + effectively, efficiently etc.) '**doing their own thing**' (re progressing / resolving etc. this specific, problematic matter further - in conjunction with all other appropriate / interested etc. stakeholders) - **for now!** (Hopefully assisted by what is contained in **this** [being read right now] information article)

Said '**doing their own thing**' is otherwise known **herein** as the '**workaround**' (privacy policy) **solution**

THE BASIS / RATIONALE / DETAIL etc. re PREPARATION, IMPLEMENTATION etc. of SAID 'WORKAROUND' (privacy policy) SOLUTION etc. - is documented HEREIN

IMPORTANT NOTE - 1

For aircraft **CREW** and other airline **STAFF** (e.g. *travelling on duty* [i.e. on own airline's flights] *for latter*), it is suggested that the associated **employment 'contract / conditions of service etc.'** include(s) suitable clauses - **designed to have the same 'effect / outcomes'** (for said **crew / other airline staff** etc.) as per said potential passenger '**workaround** solution privacy policy etc.' documented just above (and as expanded upon further herein)



IMPORTANT NOTE - 2

What has been documented so far herein, can **ONLY** be applied to those persons (i.e. *PASSENGERS* - [for crew, airline staff etc. see again boxed info at bottom of previous page]) ***having actually been on board 'the' accident flight itself*** - as, in the process of booking said flight - said passengers etc. will (should) have been ***'given access to / made aware of'*** (directly or indirectly [e.g. for latter - possibly via a 3rd party / ies completing bookings on behalf of said passengers]) the ***carrying airline's*** (or airlines' if several of same might be involved for a particular flight route etc.) ***terms, conditions, policies etc.***

The latter ***must INCLUDE / PROVIDE*** details re the potential use of any ***'replacement / substitute' workaround*** version(s), re ***potential emergency etc. response type situations*** - in conjunction with what has been documented so far above and what follows on below herein

Furthermore, passenger airlines ***must*** also consider potential ***'GROUND VICTIMS'*** (see definition - page 22) - together with the (***NOT having been on board the accident flight***) ***'FAMILY, RELATIVES and FRIENDS etc.'*** (FR) (see page 22 again) of ***ALL*** such victims (i.e. of both ***air*** victims and [separately] ***ground*** victims [if any for latter] etc.)

As airline terms, conditions, policies etc. (normal and / or replacement etc.) ***CANNOT*** (obviously) apply to such persons (i.e. ***'ground victims' + such family, relatives and friends [FR]'*** specifically - as per last para above and as defined / referred to elsewhere herein), ***SEPARATE and DIFFERENT 'workaround' (data protection etc. related) solutions*** should be planned for / required etc. - ***SPECIFICALLY*** for them (any such persons)

Said ***'workaround'*** solution(s) ***MUST*** ensure that data protection type issues do ***NOT*** adversely / unnecessarily / significantly etc. ***'get in the way'*** of the accident airline etc. ***also*** (additionally etc.) providing them (***ground*** victims [if any] + any such ***FR***) with appropriate ***HUMANITARIAN ASSISTANCE*** (+ other, related services etc.) - as appropriate so to do etc. - 'on the day'

IMPORTANT NOTE - 3

THIS INFORMATION ARTICLE / DOCUMENT DOES NOT 'PEDANTICALLY' PROVIDE LEGAL AND / OR APPROPRIATELY 'SPECIALIST / EXPERT' ADVICE

CONSEQUENTLY, IT IS RECOMMENDED THAT LEGAL / SPECIALIST / EXPERT ADVICE (+ any other advice etc. as required) ***SHOULD BE TAKEN BY ANY AIRLINE*** (and / or any other 'involved / relevant etc.' organisation(s), person(s) etc. as applicable) ***BEFORE*** ***ADOPTING, ADAPTING, USING etc. WHAT IS RECOMMENDED / OTHERWISE INCLUDED AND / OR INFERRED*** (and similar etc.) - IN ***THIS*** INFO ARTICLE

IMPORTANT NOTE - 4

By using the **information** contained herein re e.g. preparation of a **replacement / substitute privacy policy / policies** etc. - as **intended for use in aviation related** (humanitarian type) **emergency response contexts** (more particularly the [mass fatality] catastrophic aircraft accident / aviation disaster type scenario) **etc.** - **attention is drawn to the following** re such use:

1. Said **information** is provided on a strictly '**as is**' basis, without guarantee, warranty etc. of any kind. Whilst all **reasonable** care **has** been taken in 'its' research and preparation etc., the associated **author / owner** declares that he is pedantically **not a professional** re the subject of data protection / personal privacy type matters. Readers / users etc. should thus account for same accordingly, appropriately and responsibly - as / if required e.g. by engaging their own **specialist** advisors; **taking other, appropriate advice** etc.
2. Said **author / owner** (as aforesaid) shall thus have no liability (consequential or otherwise; directly or indirectly etc.) to any person and / or entity (including any person's and / or entity's property, goods and the like) whatsoever - with respect to any / all of any associated / involved etc.:

Expenses including legal expenses (howsoever arising / caused / awarded - actual or allegedly - directly or indirectly and of whatever type)

Loss including financial loss (howsoever arising / caused / decided - actual or allegedly - directly or indirectly and of whatever type)

Damage / damages including physical damages and legal damages awarded (howsoever arising / caused / awarded - actual or allegedly - directly or indirectly and of whatever type)

Physical injury (howsoever arising / caused - actual or allegedly - directly or indirectly)

Mental injury / trauma (howsoever arising / caused - actual or allegedly - directly or indirectly)

Death (howsoever arising / caused - actual or allegedly - directly or indirectly)

..... incurred by use of / in association with etc. any such **information**

N.B. - The above, referred to information etc. should not be considered as being exhaustive

IMPORTANT NOTE - 5

This information article may be regarded as a '**Data Protection Impact Assessment**' (**DPIA**) - re its **own content** and (suggested) **intended uses** etc. - i.e. being in **aviation** (commercial passenger airlines) **related** etc. **contexts** etc. **only**, as already described further above + (together with) what follows on below (as relevant, appropriate etc.)

Said article etc. **also** indicates / expands upon the associated requirements for providing a '**LAWFUL BASIS** (and / or **Bases**) (and / or **Interest[s]**) re **Processing Personal Data** (typically in passenger airline contexts only [see next page] - as better described herein) and, **more particularly**, as per **actual circumstances** prevailing '**on the day**' (whatever they might be; however caused etc.):

ABSOLUTELY the **MOST** useful / acceptable of **ALL** such Lawful Bases / Interests etc. (taken in the primary contexts of this document) is:

- **Specific / Explicit / Informed Consent**

NB: The **next** 2 'lawful bases / interests' shown just below are in further **descending** order of potential **further** 'usefulness' / acceptability etc. (i.e. **after** 'consent') - and again, being typically set in the **contexts** of the '**catastrophic aircraft accident**' type scenario **SPECIFICALLY**)

- **Vital** lawful base(es) / interest(s) and / or
- **Humanitarian** lawful base(es) / interest(s)

It is **VERY** unlikely that **ANY** of the **OTHER** 'lawful bases' available (there are typically **3** more - [not mentioned *here*] in general / generic 'data protection' use around the world) are / will be **appropriate** and /or **useful** enough etc. - in the specific (aviation related accident etc.) scenario, as is documented / used / referred to etc. herein

REMINDER:

This entire document + its additional, constituent assessments, interests etc. - relate to the '**catastrophic** (mass fatality) * **aircraft accident / aviation disaster**' type scenario **OR** directly equivalent / similar (in commercial aviation contexts) severity / impact type event(s) **ONLY**

Particular emphasis is made here re the '**HUMANITARIAN**' related aspects of any such associated response(s) etc. (as might be conducted by e.g. 'the accident airline and / or its associates and / or whoever else as relevant) - and also as per **actual circumstances prevailing 'on the day'**

* More particularly (but not exclusively) applying to the **larger** (operating many [large passenger capacity] aircraft), **long-haul; international passenger** airline - typically operating **route networks** covering a **VERY** significant number of different countries, world-wide

Note 1: The word '**humanitarian**' as used **here** - is in its '**COMMON-SENSE** / **normal use**' context(s)

In contrast, the word '**humanitarian**' as used **here** - is in its **DATA PROTECTION** context(s) specifically

Note 2: See associated definitions as required (starts page 20)

Note 3: The information provided above is intended for information / context etc. purposes etc. only



For some **generic** examples of **Data Protection** related '**sanctions in real / actual operation**' up to early 2025 - the 'interested' reader might want to take a look at what is found at the end of the below links (**one** of which is set in a **passenger airline context**):

<https://dataprivacymanager.net/5-biggest-gdpr-fines-so-far-2020/> (Updated to 2025)

<https://dataprivacymanager.net/ico-reduces-british-airways-gdpr-fine-to-20-million-for-2018-data-breach/>

<https://www.skillcast.com/blog/20-biggest-gdpr-fines> (August 2024)

Whilst it is unsurprising that 2 of the above examples are related to '**internet social media**' type organisations / matters etc. (in some way, shape or form) etc. and, more particularly, social media type breaches - **note well** that (in a different context) '**British Airways**' was **initially** fined **£183.39 million** (GBP) by the UK's 'Information Commissioner's Office' (ICO) - for data breaches committed in 2019. (**Note:** This fine was eventually reduced to **£20 million** - due to the then **COVID-19 pandemic** - and the associated [very] significant, adverse impacts on the airline industry in general - and financially in particular)

Further (**aviation** related **only**) examples can be found via the below links:

<https://dataclaim.co/en/easyjet-data-breach>

https://www.marsh.com/content/dam/marsh/Documents/PDF/asia/en_asia/Client_Alert_Data%20Breach%20-%20Leading%20Airline%20in%20Asia.pdf

<https://www.bitdefender.com/en-gb/blog/hotforsecurity/travel-industry-giants-failed-to-secure-their-websites-despite-high-profile-data-breaches-new-research-shows>

<https://www.galaxkey.com/blog/data-breach-exposes-pilot-personal-information-at-american-airlines-and-southwest-airlines/>

<https://www.cpomagazine.com/data-protection/qantas-airways-privacy-breach-exposed-passenger-information-allowed-booking-and-flight-cancellation/>

<https://www.strategic-risk-global.com/catastrophe-risk/the-cathay-pacific-breach-a-lesson-in-managing-data-protection-risks/1431128.article>

<https://www.gdprregister.eu/news/wizz-air-failed-to-provide-right-to-rectification/>

<https://www.kpl-databreach.co.uk/air-europa-data-breach/>

<https://securityintelligence.com/articles/airplane-cybersecurity-past-present-future/>

1. Introduction and Associated Background Information - early 2025

This 'info' article aims to assist (predominately [* but not exclusively]) **PASSENGER** (international ops) **airlines** (more particularly those **LONG-HAUL** carriers serving a **significant** number of **different, international routes world-wide**, with **many destinations**) - to become better aware of / having due regard for / adequately 'managing / complying with' etc. - **data protection** (DP) matters (and similar e.g. personal privacy as a component of human rights 'laws' etc.) - as per what is documented herein

More particularly, this article relates to the **DP aspects** of (such airline) **planning** for and / or **performing / conducting** actual (+ simulated [e.g. during 'exercises' etc.]) **emergency / crisis / disaster** etc. type response ops - primarily in the contexts of an associated **catastrophic aircraft accident / aviation disaster** type situation - typically involving **mass fatalities + associated injuries / casualties** etc. - thus reasonably being 'categorised' herein as a **HUMANITARIAN** emergency

* For example, a large **CARGO** aircraft, carrying a significant quantity of (**VERY**) dangerous goods - '**crashes**' onto / into a (**VERY**) high density, residential / housing area - in a major (**VERY**) high density population) city (e.g. **Tokyo**)

A further objective is to instil 'respect' for (+ compliance with) relevant / associated **personal privacy / data protection** etc. type matters (laws / regulations / best practice etc.) - **BUT ONLY** insofar as same is / are commensurate with (and do **not** override / undermine etc.) any '**on the day**' **humanitarian** related **emergency / crisis** response ops etc. - conducted e.g. by 'the' **accident airline** and / or other, associated responders etc. Emphasis here is on the provision of associated **humanitarian assistance** services - as used in all reasonable 'interpretations' etc. of same

Such situation (as per above) should, as **ABSOLUTELY the FIRST choice re airline passengers**, require the carrying airline to pre-obtain (from said passengers etc.) and use (if / as required / appropriate) the valid (typically followed universally) '**lawful bases for data processing**' known as (page 9 refers):

SPECIFIC / EXPLICIT / INFORMED CONSENT

It is **important** that such **CONSENT** be 'requested' (by the carrying airline) **and** provided (by the appropriate passenger) - **BEFORE** any associated flight commences. Passengers can refuse such request. If so, same is to be recorded accordingly (involved airline(s) and / or its [their] agent(s) etc.) - and retained until the / any associated flight or flights is / are safely completed (as applicable / relevant etc.) - after which said record can be deleted

A **further** useful 'lawful basis' choice re airline passengers (i.e. additional [coming **after**, but **NEVER** replacing **specific / explicit / informed consent**] might relate to their:

VITAL INTERESTS

(Including [but not limited to] 'life or death', 'health' [mental and physical], 'safety', 'security / protection / safeguarding', 'wellbeing and welfare' [in all appropriate forms], 'dignity', 'compassion', 'communications / information', 'financial assistance', 'customs, culture and ethics' **etc.**) **of:**



- Aircraft Accident / Incident **victims** (*including* any **GROUND** victims [as relevant for latter]) +
- Associated, **not directly** involved family, relatives and friends (FR) of **ALL** such victims +
- Others involved or potentially involved, as / if appropriate - and as per actual circumstances prevailing 'on the day etc.

A **third** consideration (lawful basis for data processing) re commercial airline **passengers** (additional to [if / as required] and following after- but **NEVER** replacing **consent** and / or **vital interests** as per above) may be considered - being:

LEGITIMATE INTERESTS

Note that the latter is not so **easily** 'usable / useful' as '**CONSENT**' and / or '**VITAL INTERESTS**'. However, it **is** a further consideration for passenger airlines etc. Follow below link for more details:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/legitimate-interests/>

Note: The 'content' found via the above link refers to the **data protection** 'system' as used in the **UK** as at 2025. Said system was reasonably 'close' to that of **European Union** countries - plus a significant number of other countries world-wide at the time. It is thus reasonable that use of '**Legitimate Interests**', **in the contexts of the (this) document being read right now**, be included

The author of this document is of the informed opinion that **NONE** of the remaining 3 commonly used (around much of the world in early 2025) 'lawful bases for processing personal data' - i.e.

- *For performance of a **Contract***
- *For compliance with a relevant **Legal Obligation***
- *For performance of a task etc. which is in 'the' **Public Interest***

..... will be of any viable assistance / use in better sharing information, as might be applied **specifically in the context / typical circumstances of the 'catastrophic passenger airline accident'** - together with (plus) what has been documented so far above and what follows on further below

Associated Info / Background - Note 1

No truly effective, worldwide **standardisation** - re **data protection / personal privacy** type law etc. existed as at early 2025. Said situation is unlikely to change significantly for the better 'anytime soon' - e.g. (the European Union [EU] + a relatively **small** number of other countries / country groupings **excepted**) - there was little **realistic / viable / useful** '**DP standardisation**' between a significant number of countries etc. - also thought to have their own DP 'versions' in place at that same time - and / or those having plans for so doing 'soon / in the pipeline'

A 'useful' example of the latter is the **USA** where (early 2025) **no federal** (country-wide) **system existed whatsoever**, re **data protection** type matters (despite several previous attempts at so doing). Note well that only around **20** of the USA's **50** States had some form or other (good / bad / otherwise) of data protection law / regulation / equivalents etc. in place - **at that same time**

Associated Info / Background - Note 2

So, let's now take (as background) a large, well known (real) medium to long-haul, passenger **airline** - operating routes to / from **many** (most) different countries of the world. (Note: Such 'background' also applies [to one degree or another] - to most other passenger airlines, conducting similar / equivalent flight ops. In fact, said background may [if modified appropriately] be applicable to the greater majority of **all** passenger airline operations, wherever and however they might take place)

In the process of such ops, said airline overflies **many**, different countries. Some it operates to (lands / takes-off from re passenger services / to refuel etc.) - BUT **most** it **overflies**. Thus, an **associated, catastrophic** (mass fatality) **aircraft accident** could **potentially** occur (re any of **this** airline's flights) in just about any country of the world (or possibly no country at all e.g. **middle of the 'Ocean'**; the **North / South Polar Regions** etc.) to which it so operates / overflies

We also assume here that said flights carry up to **650** passengers - typically / statistically / historically comprising **many**, different nationalities

Their (said passengers') associated, **non-flying** (i.e. **NOT having been on board the flight of concern used here as an example**) family, relatives and friends etc. (potentially located anywhere in the world) are further (reasonably) assumed to comprise even **more** (additional / different) nationalities

In such situation - it is thus **very** feasible that **many** (a large number of) **different nationalities will thus be represented / involved** etc. - to greater or lesser degrees - in some way, shape, form, degree etc.

The airline referred to above must thus be **adequately prepared** (in all, relevant contexts) to respond to **any** catastrophic aircraft accident type situation(s) etc. concerning **its own** ops - in accordance with **international** (ICAO; IATA etc.) and other applicable (aviation related) requirements etc. - including relevant **national / local etc.** law / regulation / best practice etc. Same is **also**, of course, a **humanitarian** obligation of said airline (amongst certain others entities also involved)

As part of its **emergency response PRE-planning preparations**, any such airline (as per above) must now (today) consider the varying **Data Protection** aspects (world-wide - and as relevant) to be accounted / planned etc. for, implemented, managed etc.

BUT, as at early 2025 it was absolutely **impossible** for **any** such airline to adjust its **basic emergency** etc. response plan(s) - to adequately comply **individually** (as relevant) - with the associated **DP** requirements of e.g. **each and every** country in the world, having same:

(Around **167** countries [**27** being **EU** countries] having DP related requirements of some kind [good / bad / otherwise??? already in place] - whilst many of the remaining [**30** or so] countries [of the world] were thought to be 'working on it' [in some way, shape or form] - at that same time)

Furthermore, no such airline can ever be 100% aware / certain of the **nationalities** of **all** passengers travelling on any **one** of its **particular** flights - until (at least for **some** airlines / flights) **shortly before said flight departs**. Indeed, (again for some flights e.g. domestic), passenger nationalities may **not be required at all in some jurisdictions** (e.g. some **EU** airline flights operating within the **EU only**)

A further consideration relates to the associated (**non**-flying [**not** having been on board 'the' accident flight] etc.) family, relatives and friends (**FR**) etc. (*potentially located absolutely anywhere worldwide*) of all such airline passengers, as per above

NOTE WELL that it will be * near impossible to 'know who and where they (said **FR**) are located' in the world (let alone their names, nationalities, contact details etc. etc.) **BEFORE** any particular passenger flight commences - as there is typically no need (legal or otherwise) for airlines so to do

* Some (a small number of) countries (e.g. the **USA**) require / request that 'departing' airline passengers (*being USA citizens*) provide details of someone (relevant to each such said **USA** passenger / passenger group etc.) to be contacted in the event of an **associated and relevant** aircraft emergency. What is typically required is simply a name, telephone number and email address etc. (*Which is better than nothing of course!*)

However, following e.g. a catastrophic aircraft accident, the airline(s) involved will need (as quickly as possible) to obtain and process **personal details** (data) of such **FR** (in addition to that of the 'relevant, related' **passengers** [**victims**] etc.)

All of the aforesaid (as per this 'Note 2') can (will) be significantly difficult and time consuming (impossible in some circumstances) to accomplish. Thus the last thing such airline(s) needs, in so doing, is 'interference' - e.g. from unsuitable / unworkable (to the / that specific situation[s]) **data protection law(s)**; associated **bureaucratic officialdom** etc.

Consequently (and considering here **ONLY** the **Data Protection** (DP) aspects of a relevant **airline's emergency response planning strategy, tactics, plans etc.**), it (relevant airline) must, in theory, tailor certain aspects of said (emergency etc.) plan(s) - to comply with the **DP** requirements of **each and every** country in the world which **might / does** have 'its' citizens on board 'the accident flight'

Together with their (i.e. said passengers') potential (non-flying [not having been on board the accident flight]) **FR** worldwide

Together with any data protection aspects concerning potential **ground** victims specifically

All of the latter effectively means that **all countries having DP legislation / regulation etc. in place must** (at least in theory) **be considered / accounted for / included accordingly / managed etc.** (by relevant, passenger airlines) - **re what has been documented so far above**

NOTE WELL again that what has been documented so far in **this 'Note 2'** is effectively (**currently** [2025]) **IMPOSSIBLE** to undertake in reality - not just for potentially involved airlines, but also other, potentially involved organisations, on a world-wide basis - e.g. Governments, the United Nations (including **ICAO**), the Red Cross / Crescent, IATA etc.

Furthermore, it is **very** likely that the ** greater majority of countries having such DP / Personal Privacy type legislation etc. **already** in place - had **NOT** (early 2025) **ADEQUATELY** allowed for / considered this (as per the aforesaid) particular (catastrophic aircraft accident) and similar type considerations - **re due regard etc. to / for use of such DP legislation; regulation; best practice** etc.

**** Some** examples of known **exceptions** being the **European Union countries** and the **UK, Australia** and **New Zealand** - but even then, certain DP / Personal Privacy related safeguards to be applied **'on the day' might well** still delay an accident airline from being able to quickly and effectively implement its emergency response plan(s) - particularly the proposed **data protection strategies etc.** of same (said plans) - as referred to herein

For example, in **Australia** the head of the government (or a specifically appointed alternate) would be the **only** person able to lift (cancel / adapt etc.) certain (Australian specific) DP / Personal Privacy **restrictions** from applying to major (disaster level) emergency / crisis response ops

For example, in **New Zealand** an 'official' state of emergency would need to be declared **before** certain (New Zealand specific) DP / Personal Privacy restrictions could be lifted / adapted accordingly etc.

In both examples as per just above, vital time could (would?) thus be 'wasted' whilst the appropriate 'permissions / declarations etc.' were sought / granted etc.

However, do note that in May 2018, a small amount of light appeared at the end of the **'DP tunnel'** - as the **'EU GDPR (General Data Protection Regulation)'** became effective in all (what was then) 28 EU countries

As a typical example only, the most useful excerpt (re the **DP** aspects of **aircraft accident** emergency response ops) from said **EU GDPR** might be???

EU GDPR - Recital 46

The processing of personal data is **LAWFUL** where it is necessary to **protect an interest** which is **essential for the life** of the **data subject** **OR** that of **another natural person**

Processing of personal data based on the **VITAL INTERESTS** of **another natural person** should **in principle** take place only where the processing cannot be manifestly based on any other legal basis

Some types of processing may serve **both** important grounds of **PUBLIC INTEREST** + the **VITAL INTERESTS** of a data subject - e.g. when processing is necessary for **HUMANITARIAN** related purposes, including e.g. monitoring epidemics and their spread **OR** e.g. in situations of **HUMANITARIAN EMERGENCIES, in particular** that of *** NATURAL** and / or **MAN-MADE** disasters

GDPR Recital 46 clarifies somewhat **Article 6 GDPR - 'Lawfulness of Processing and Article 9 GDPR - 'Processing of Special Categories of Personal Data'** - in the context of **humanitarian** related emergencies

*** "ALL aviation** related disasters can **only** be due to **'natural'** and / or **'man-made'** factors" of course

2. The Reality - as at early 2025

It is 'unfortunate' that in a significant number of countries / jurisdictions etc. (already having data protection / personal privacy type legislation / codes / guidelines etc. in place - in some way, shape or form / good, bad or otherwise - and from general viewpoints only) - it is possible (even probable?) that pedantically abiding by same might (will?) **adversely, detrimentally and significantly 'interfere with'** (hinder / obstruct / get in the way of etc.) **the effective, efficient and expedient conduct of** (airline[s], airport[s]; GHA[s] etc. related) **major emergency / crisis response operations**

167 countries etc. had (early 2025) already adopted some form of data protection / privacy law / equivalent regulation etc. (good, bad or otherwise) etc. Thus, at that time, around 8 in 10 persons on the planet were 'living' (in one way, shape or form etc.) under / with data protection type law / regulation etc. - albeit 'good / useful / not so useful / not useful at all / ineffective / bad' etc.

The world's **remaining** 30 or so countries were thought to be 'working on it' at that same time

This unfortunate possibility might be attributed to e.g.:

- Many (but not all) DP type '**legislators, authorities, working groups, commissioners**' etc. - failing to **adequately** recognise that (as per what is documented elsewhere herein) much of what an involved accident (passenger) airline (+ associated airport[s] ; ground handler[s] etc.) needs to do in such circumstances - is targeted at positively addressing the '**vital interests**' of associated accident victims + (**PLUS / ALSO**) the latters' (**NOT** having been on board the accident flight **nor** who might reasonably be classified as being '**ground victims**') **FR** worldwide + (as appropriate) others e.g. possibly the **general public** in circumstances where there might be an **associated** and **significant 'public interest'**

More particularly, they seem to have broadly **failed to recognise / acknowledge** etc. that said **vital interests** etc. must, in such dire circumstances (reminder: major [mass fatality] humanitarian related emergency / crisis / disaster etc. - including / particularly those impacting on airlines), be morally, naturally (and ****** legally) permitted to override any 'lesser' data protection / personal privacy type concerns / matters etc. - **actual 'circumstances on the day' so requiring** (which they almost certainly will so require - in many, if not most such circumstances as per the aforesaid + what this information article is all about)

****** Excepting for a **relatively** small number of countries / jurisdictions (as at early 2025) - it is thought that nothing of the sort '**legally**' (or equivalent e.g. a formal code of conduct; guidelines etc.) **existed** - in any way, shape or form



- Many data protection 'legislators, authorities etc.' worldwide still had (early 2025) little 'idea / concept' etc. of the advanced capabilities and significant resources which many (BUT - by no means all) passenger airlines might deploy / have available to them etc. - in support of their *own* elements of planning for and responding to a catastrophic (mass fatality) aircraft accident / aviation disaster type scenario (or equivalent situation)

This above is particularly so re the **vital** interests of accident etc. victims + the latter's FR etc. - together with the delivery of **humanitarian assistance** of all kinds - whilst concurrently accounting for the '**public interest**' etc. in general of course

It is certain that all such countries / jurisdictions have not **deliberately** produced their data protection / personal privacy type legislation, codes, guidelines etc. - so as to adversely 'get in the way' of a major airline emergency / crisis / disaster response operation etc. That said, the **great** majority appeared (early 2025) to have still not yet adequately accounted for such eventuality

Ample evidence exists for why this (as per above) 'problem' could and should have been adequately addressed long ago e.g. the (data protection associated) adverse consequences re the **December 2004 Asian Tsunami** response. That this same problem still persisted as at early 2025 was acknowledged and acted upon by **some** of those responsible 'at the top' for managing and operating the various data protection systems (used around the world) themselves. (**HOWEVER** the majority [of those 'at the top'] had still **not adequately addressed this matter** - at that same time)

As mentioned above, around **167** countries / territories / jurisdictions etc. world-wide were thought to have (early 2025) adopted data protection / privacy type laws / regulation / best practice etc. (good, bad or otherwise). Follow the links below (updated to 2025) to get some idea of said countries etc. + possibly any associated updates that might have been available at that same time:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1951416 - By David Banisar - 'London School of Economics' - (last revision 29 Jan 2025)

<http://www.dlapiperdataprotection.com/#handbook/world-map-section/2> - By DLA Piper

<https://www.worldprivacyforum.org/2024/06/countries-with-data-privacy-laws/>

<https://www.lexology.com/library/detail.aspx?g=9d8ee851-d00e-48d0-81dd-eed6bbdb224> - By Lexology

The most populous countries **still** having **no** comprehensive, **national** privacy law in place as at early 2025 - include the **U.S.A, Pakistan, Bangladesh, Iran and Iraq**

Note that Pakistan and Bangladesh had draft legislation in place at this same time

Also, whilst the U.S.A came as close as it ever had done to passing a comprehensive (**USA wide**) data privacy law in 2024, the effort ultimately **failed**. The U.S.A thus continues (early 2025) to be governed (data protection etc. contexts) by sectoral laws plus a patchwork of 'State' privacy laws only. (**There were only around 20 of the latter in force in early 2025 [out of 50 US States in total]**)



Note from author of this info article: (latter is the document you are reading now):

If the reader is so interested, take a look at the info (documents) found respectively at the end of the following links (the first document is a 2 page summary of the [36 page] second document):

[data_protection_handout.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/data_protection_handout.pdf)

[421659 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/421659)

In summary, these documents (published by the UK Government in 2007) were produced as a consequence of the UK's 'data protection' related (legal) requirements **having effectively** (on occasion) **'got in the way' of UK emergency responders being able to conduct their duties** (in UK and / or UK related) **in the most effective, efficient, expedient and humanitarian ways possible**

Several examples are quoted - the most notable being **the Indian Ocean Tsunami of December 2004** (many UK citizens were directly and / or indirectly impacted at the time) - and the **London terrorist attacks of 5 July 2005**

The main document (linked to further above) starts off well in the first few pages, to the effect that **'lessons had been learned'** and that the **same mistakes** (i.e. data protection requirements [UK Law] being applied too zealously by emergency responders - to the detriment of the overall crisis response itself) **would not be made again**. However, the remainder of the document then went on to effectively **contradict itself**

Further to the above, nothing then really changed (re DP) **in the UK** for some time. However, when the **EU GDPR** went live in May 2018 (UK **was** an EU member **at the time**) some light appeared at the end of the 'data protection' tunnel (see page **15** [GDPR Recital 46] of **this** info document as a reminder)

The author of **this** info article contacted the UK ICO (UK's Information Commissioner's Office) in June **2018**. Advice was requested re how any EU airline (including UK airlines **at that time**) might best use the 'humanitarian' aspects mentioned in **GDPR Recital 46** to better provide for the 'new' GDPR requirements **not significantly hindering** an associated airline's emergency response planning and response activities (particularly from 'humanitarian' viewpoints) within the EU (including UK). The ICO declined to make any comment, provide any assistance, advice etc. Basically, they advised that this problem was one for the airlines etc. to solve - on their own!!!

IMPORTANT: Using the UK as an example again (but now in a **2025** context) some **very useful** (and advantageous re all of the above) guidance was published by the UK's ICO - (i.e. at some considerable time **after the UK left the EU on 31 January 2020**). That information can be found at the end of the below link

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/data-sharing-in-an-urgent-situation-or-in-an-emergency/>

What is documented via the above link clearly indicates that, whilst the UK respects data protection matters in general, it has also recognised that same can seriously 'get in the way' of effectively and efficiently managing emergency etc. type response operations and, as per what's documented in said link, has clearly 'done something about it' (i.e. by way of instigating appropriate, associated mitigations)

Unfortunately, it is thought to be 'more likely than not' that many other countries also having data protection laws, regulation, best practice etc. etc. currently in place - **HAVE NOT YET (early 2025)**

DONE LIKEWISE???



www.aviationemergencyresponseplan.com (Parent Website)

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3. Selected 'Aircraft Accident' related DEFINITIONS - as used in *this* Information Article

DEFINITION - **Catastrophic** (Mass Fatality) **Aircraft Accident**

An aircraft accident triggering a **MAXIMUM** crisis response operation from the airline(s) (+ others) involved, in some relevant way. It is * **unlikely** that an aircraft accident would be classified as being **catastrophic** (purely from the accident airline's overall **operational** crisis response viewpoints) unless relatively large numbers of fatalities and / or serious injuries were involved

* For example, **5** passengers (single travellers for this particular scenario - i.e. not being part of a family, group etc. on the same flight) out of **650** on board are killed in an aircraft accident - the remainder (**645** persons) being either uninjured or having minor injuries only

Whilst the above situation will typically be 'catastrophic' for the relatively few families etc. (latter **not** having been on board the accident flight in this specific scenario) of the deceased - from the accident airline's (**operational** / **big picture**) viewpoint only, it (said situation) might typically require just a '**partial**' crisis response, particularly re the **humanitarian related** aspects - i.e. **not** requiring the '**full** / **major**' response, which would have been required should e.g. **300 have been killed, 200 seriously injured and 150 missing**

For further clarification, the '5 fatalities' scenario as per above would typically **not** warrant **FULL** airline Crisis Management Centre manning - and probably only a **limited** activation of the airline's emergency call / contact centre(s) and humanitarian assistance teams (if such centre / teams exist in the first place of course [many airlines still did not have such teams in place at the time that this document was written!])

Depending on accident location, an airline '**GO Team**' *might*, however, still deploy - but at significantly reduced manning levels compared to the full 'catastrophic aircraft accident' type situation, referred to above

Similarly, severe damage to an airframe, with no associated deaths or serious injuries to the occupants or other persons, is **not** classified herein as being a **catastrophic** aircraft accident

The decision by an airline as to what **does** comprise a catastrophic aircraft accident is typically made 'on the day' by the ([hopefully] specifically trained, exercised etc.) airline's Operations Control Centre Duty Manager (and / or equivalent person [if any]) at airline HQ

The imperative for a potentially immediate, maximum response typically means that this latter person makes said decision unilaterally (i.e. without **initial** consultation). **However, where any doubt exists a maximum response would always be declared immediately** and, as events unfold, be re-categorised to a lower response level etc. - as actual circumstances 'on the day' might so require

Note - contrast the above with the **ICAO** (International Civil Aviation Organisation) definition of **aircraft accident** (ICAO does **not** have an equivalent definition of a '**catastrophic**' aircraft accident). The **vital** point to note here is that certain categories of aircraft damage meeting the meaning of ICAO's definition of 'aircraft accident' (See **next** page) - would certainly **not** require the significant operational airline response envisaged for a 'catastrophic' aircraft accident - i.e. as documented further above on **this** page

Similarly, a serious injury (e.g. a broken leg) to just one person is still technically an **ICAO defined aircraft accident** (but, in reality, is something handled by most [if not all] airlines - as a matter of 'normal' operations)

Such contrasts between similar 'international / regulatory type definitions and those used herein should thus be accounted for when considering the **actual** type and degree of operational (crisis) response required '**on the day**' - and to thus be commensurately and adequately financed, planned for, procured for, trained for, equipped and exercised for etc. - **before** 'the day'

DEFINITION - Aircraft Accident (ICAO)

An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight - until such time as all such persons have disembarked, and in which:

(a) Any person is fatally (killed immediately or dies within 30 days of accident) or * seriously injured as a result of..... being in the aircraft; or in direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or direct exposure to jet blast (excepting when the injuries are from natural causes, self-inflicted or inflicted by other persons - or when the injuries are to a stowaway(s) hiding outside the areas of the aircraft available to the passengers and / or crew)

* Requiring hospitalisation for > 48 Hours, commencing within 7 days of injury date **AND/OR** results in a bone fracture(s) (except simple finger, toe or nose fractures) **AND / OR** involves lacerations causing severe bleeding and / or nerve, muscle, tendon damage **AND / OR** an injury to any internal organ **AND/OR** involves 2nd or 3rd degree burns or burns affecting > 5% of body surface **AND / OR** verified exposure to infected substances or injurious radiation

(b) The aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft and would normally require major repair or replacement of the affected component (except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin); or

(c) The aircraft is missing or is completely inaccessible

DEFINITION - **Victim**

The term '**victim**' (as used herein) refers collectively to an emergency flight's passengers **and** crew (**air victims**) + any other persons (**ground victims**) who (i.e. **ground victims**) are killed, injured and / or otherwise significantly traumatised, as a **direct** consequence of the aircraft accident 'hitting the ground' - or equivalent catastrophic circumstance

(Note: '**Ground Victims**', by definition, would **not** have been on board the accident flight)

A similar definition applies to **non**-passenger aircraft (e.g. cargo aircraft), with the term 'air victim' now referring to **all** persons who were / had been on board the emergency flight

Note that the term 'victim' (as used herein) does **not** refer to the dead alone nor is it a term which should be associated with others who are termed herein as being **indirectly** involved (no matter how closely) by the emergency e.g. the latter might typically refer to associated, non-involved (directly) FR (see next definition)

DEFINITION - (Associated BUT non-involved **directly**) **Family, Relatives and Friends - FR**

A collective, generic term, **loosely** indicating the categories of persons (potentially located **anywhere** world-wide) - having some form of personal / otherwise 'valid and equivalent' relationship with associated **victims** (including **ground** victims [if any]) - of a specific, catastrophic ('**mass fatality**' as used for **this** definition) **passenger** aircraft accident (or **directly equivalent** [aviation related] event)

The term typically includes (i.e. as 'related to' or as otherwise 'known to / by' **accident victims**):

- * Next of Kin (i.e. the legal or 'otherwise' closest relative / equivalent person)
- * Other family members, relatives and similar
- * Any **separate** 'emergency contact' person(s) e.g. as **might** have been **pre**-nominated by a victim
- * Friends
- * Appropriate business / professional etc. type colleagues and similar
- * Meeters and Greeters (of all categories / types) who had been waiting to meet 'accident victims' at the emergency flight's destination airport - **and / or** similar persons who had gathered at the departure airport(s) of the emergency flight - **after** said flight had departed and **subsequently** experienced a crisis
- * Any other person(s) having an appropriately close or otherwise valid relationship with a victim

NB: By definition, associated, non-involved FR would **NOT** have been travelling on board the accident aircraft - **NOR** would they (typically) be classified as being '**ground victims**'

DEFINITION - Next of Kin / Closest Relative / Emergency Contact Person / Equivalent Person etc

The words in the above title - typically (**BUT not always**) refer to the closest **related** person (**not** being an involved **air or ground accident victim** for the purposes of this **specific** definition only) - as associated (in some **valid** way) **with** a victim (air and / or ground) of a specific, catastrophic aircraft accident (or equivalent event)

Note that the words 'related' and 'valid', as used above, **can** and **do** have many different / flexible etc. interpretations world-wide - i.e. legal, quasi-legal, best practice, custom / culture / tradition, religious, informal etc.

For example, an 'emergency contact' person, who had been pre-nominated by what was to become an 'eventual' victim, might not be related to the latter (but should, however, typically be the first to be contacted, circumstances 'on the day' so requiring / permitting etc.)

This entire subject can be somewhat complex - and also suffers (particularly in the contexts of the catastrophic aircraft accident or equivalent, adverse event) from a distinct lack of clear, explanatory guidance material - mainly because there isn't much '**clear**' etc. guidance available to refer to.

However, an attempt at an explanation **is** provided herein (see info immediately below for details)

Interested readers will find further details of the definition / subject area referred to just above (in a / our **separate** 'information article') - found via / at:

<http://www.aviationemergencyresponseplan.com/information/>

When you get to the webpage at the end of the above link, scroll down until you find the '**information article**' entitled:

*** Information Article - Major Air Accident - 'Next of Kin' / 'Closest Relative' / 'Emergency Contact Person'**

Click on the article to open and read it

REMINDER - The term '**associated, non-involved FR**' as used in **this** info article, should be interpreted as *** FR** - who are associated in some 'valid' way with a / the relevant **air accident victim(s)** **BUT** who had **NOT** actually **been on board** the accident flight itself - **AND** who also / additionally **cannot** be categorised as being a '**ground victim(s)**' (as appropriate)

*** FR** = 'Family, Relatives and Friends etc.

DEFINITION - **Humanitarian Emergency**

An event (or series of events / man-made or natural) posing a critical threat(s) to the health / safety / security / wellbeing etc. of a relatively large group of people / number of persons - typically (but not always) impacting over a relatively wide, geographic area (e.g. latter might feasibly be impacting e.g. 'worldwide' in a catastrophic aircraft accident [mass fatality] type situation)

*Note: For the purposes of **this** info article, a catastrophic (mass fatality / aviation disaster) **aircraft accident** reasonably qualifies as a '**humanitarian emergency**' - in the contexts used herein*

DEFINITION - **Humanitarian Assistance / Action**

Impartial activities, typically undertaken by direct and / or indirect responders (usually [but not always] when acting as part of a relevant / involved humanitarian organisation), when delivering associated assistance (of all appropriate types) - required as a consequence of a **humanitarian** ('man-made' or natural) **emergency**

Such activities might include (list is not exhaustive) the saving of life, alleviation of suffering (including medical and psycho-social aspects), maintenance of human dignity, protection / safeguarding, crisis communications / information, disaster victim identification, reconciliation / re-uniting (e.g. with family / 'loved ones' etc.), assistance with accommodation and travel, financial assistance, holding of memorial services, erection of monuments etc.

DEFINITION - **Humanitarian Organisation**

Any organisation / entity or equivalent - which (in accordance with any appropriate part of its mandate / mission / terms of reference etc.) delivers **humanitarian assistance / action type services and operations etc.** during an associated **humanitarian related emergency / crisis**

Thus **airlines**, **airports** and **ground handlers** (+ similar / equivalent organisations) might reasonably be considered to be '**temporary humanitarian organisations**' for the duration / relevant aftermath period of any major, emergency / crisis operations (humanitarian emergency) - in which they might be / have become involved

OVERVIEW - *Inheritance*

The term 'Inheritance' (in the contexts relevant / used herein) refers to the practice (legal, semi-legal and / or otherwise e.g. as may be dictated by e.g. religion, custom, culture etc. for the latter) of the passing on (to certain persons - known as 'inheritors' and / or equivalent terms) of e.g. money, property (personal and otherwise), titles, debts, rights, obligations etc. following on from the death of a relevant / associated etc; individual - who originally 'owned' etc. same

The 'rules' of inheritance can and do differ significantly between 'societies', localities etc. - and have historically been subject to change with the passing of time

Apart from the use(s) described above, inheritance rules have been adopted in *some* countries / jurisdictions / societies etc. - as a 'guide' to who might be considered to be the most appropriate person(s) to receive details of notifications and associated information etc, concerning accident victims (including *aircraft accident* victims) - and to also potentially receive associated humanitarian and other forms of assistance (including financial assistance) etc.

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4. * Should PASSENGER AIRLINES be considered as being a 'Special Case' - re DP Viewpoints?

* As per what is expanded upon in *this* information article?

In principle the answer is MOST DEFINITELY a 'YES'

Reason 1

As an example, let's take a (real) large, scheduled passenger airline - operating flights **worldwide** on short, medium and long-haul routes. Let's 'call' this airline '**ABCX Airways**' for the purposes of anonymity - but remembering that it *is* based on a **real** passenger airline (e.g. similar to **Turkish Airlines**) - which held the **2025** 'record' for operating to the most **DIFFERENT countries** [**131** i.e. 2/3 of the world's recognised countries] - using **375** aircraft)

However, (in early **2025** **practicality / reality**) the answer must be a '**NO**' - thus creating **SIGNIFICANT PROBLEMS** insofar as (predominately but not exclusively) **international**, passenger airline services are concerned - most particularly, those '**long-haul**' operators having extensive, worldwide routes, serving **many** different **destinations** - in **many** different **countries**

Note: The **larger** a passenger aircraft's **seating capacity** - the more said DP '**problems**' are exacerbated e.g. the **Airbus A380**, capable of carrying up to around **850** passengers, is the potential 'worst case' example of same

In the course of operating (landing / taking-off with passengers) to so many, different countries, ABCX Airways necessarily **overflies many other** countries (meaning that an **associated** accident could **potentially** occur in **most** [if not all] **195** countries / regions of the **world** [and note well that such aircraft **do not always crash on or near airports!**]). Furthermore, many of such flights use **arrival and departure flight paths** over some of the **most densely populated cities on earth**

Out of the 'average' 130,000 passengers flying daily with ABCX Airways, there is a high probability (per **each** such flight) that they (said passengers) 'come from' (in some valid way e.g. a citizen, resident etc.) a significant number of said **195** countries - e.g. ('educated estimate') up to around 10-20% of same - equating to around 20-40 **different** country nationalities, potentially involved

So let's now take a * **worst case air accident** type scenario for ABCX Airways (in terms of **numbers** and **diversity** [from nationality etc. viewpoints], of **victims** [i.e. **both air** and **ground** victims] - **plus** their associated, non-involved [in terms of **NOT** having been on board the accident flight] **FR** [Family, Relatives and Friends] - potentially located anywhere worldwide) - and then look at the various impacts of **typical / representative** (early **2025**) '**data protection / personal privacy**' type mitigating measures - which might potentially be 'deployed / used'

* e.g. Up to **650 air victims** (more if the Airbus A380 uses its potential, maximum seating capacity of **853**) + **low thousands** of **ground victims** (e.g. aircraft 'crashes' into a **very** high density housing area in e.g. Dhaka / Mumbai / Hong Kong / Tokyo / Mexico City etc.) + **many thousands** of associated **FR** (family, relatives and friends - **NOT** having been on board the 'accident flight'), **located absolutely all over the world** (and thus **not** being **direct** 'victims' [air and / or ground] of 'the accident' - as per definition found on page **22**)



Adherence to such measures, requirements etc. as per the previous page (and similar herein) is likely to **significantly hinder** the ABCX Airways (and others) **emergency** etc. response effort(s) - e.g. as might be used / taken etc. in the **vital / humanitarian** etc. contexts / interests etc. of air accident victims and their associated FR etc. ***This was the 'data protection etc.' reality - as at early 2025***)

For the purposes of **this** info article the question - ***"which particular country's / jurisdiction's data protection etc. measures will be applied to any particular aircraft accident scenario?"*** is now asked

The only answer is - ***"those from as many different countries / jurisdictions etc. (having **viable** data protection laws, regulation etc. already in place) as might be associated with the differing victim nationalities etc. **actually on board 'the' accident flight - plus the need to similarly account for associated, non-involved** (directly) **FR** (latter potentially located just about anywhere in the world - as per what has already been documented further above) **of ALL said accident victims**"***

Based on our 'number of victims' assumption (as per the comment at the bottom of the previous page) the above (ignoring the possibilities of any **ground victims** for now) might feasibly mean an average of up to say **** 30** different countries etc. - and thus potentially 30 different sets of (potentially **non-standardised**) data protection law / regulation etc. to be applied / accounted for - and this is just in consideration of the accident **victims** alone

We must then **additionally** account for the **associated, non-involved FR** (of said accident victims). For the sake of argument, let's say the latter come from a **further** (additional) **** 30 DIFFERENT** countries etc. (and thus more different nationalities etc.) around the world - **also** potentially having different data protection laws / regulations etc. from each other; from those of the victims; from the carrying airline's home country etc.

Thus we could potentially find ABCX Airways having (in a 'reasonable case' planning scenario) to account for up to around 60 (**30 + 30**) different sets of data protection legislation / regulation / codes / guidelines etc. imposed (with resulting, adverse impacts of a greater or lesser degree) on its (ABCX Airways') critical emergency response activities

The inevitable result is that not only will the **accident situation itself** (in the first instance and in its own right) be a nightmare situation for ABCX Airways to handle - **BUT** the varying, additional data protection etc. requirements, **IF** adhered to / imposed, would further build a 'nightmare upon a nightmare' - effectively making the airline's emergency response unmanageable - if not impossible

THIS MUST NOT BE ALLOWED TO HAPPEN - and the best way to accomplish same should be **planned for and incorporated / activated etc. now / today etc. - BEFORE** any such situation arises

****** The **author** of **this** info article has used real data / factors + more than reasonable assumptions to come up with the above information. Note, however, that EU countries (one unified data protection regime for all **27** EU countries as at 202**5**) had **not** been accounted for / considered in the above numerical assumptions. If they **had** been so accounted for, the situation as described above would still be 'bad' - but not **quite** as bad

Further to the above, and making the 'situation' even worse (as we now know), there is currently **NO** single, '*global / worldwide law etc.*' governing the standardisation, efficacy, efficiency etc. of data protection etc. type matters - including their application during major humanitarian emergency / crises / disasters - the latter including our catastrophic air accident (with mass fatalities) type scenario as used herein

Thus it can (currently + for the foreseeable future) only be down to the airlines etc. themselves (or, better still, the airline *industry* via e.g. [ICAO](#), [IATA](#) etc.) to 'sort out' such a potential '*nightmare upon a nightmare*' type scenario. This must be accomplished, of course, in the emergency / crisis response **pre-planning and preparation stages** - as it will be too late during 'the' crisis itself and / or its shorter to medium term aftermaths

As already documented herein, it is suggested that airlines address the above 'problem' (until something 'better' comes along!) by **temporarily** replacing certain aspects (depending on actual 'crisis' circumstances prevailing 'on the day' + their consequential aftermaths) of their own (**NORMAL business**) 'Privacy Policies' - with certain aspects (depending on actual 'crisis' type circumstances 'on the day') of a pre-prepared, associate **replacement / substitute** privacy policy/ies

The latter should be designed in all aspects to **adequately safeguard** (from data protection related '*adverse interference in accident response operations*' type viewpoints) **in advance** - how they (airlines etc.) intend to respond in the post-accident **vital / humanitarian / legitimate** interests of any such accident / disaster victims + their associated, non-involved FR etc.

Looking forwards, all of the various data protection / personal privacy 'authorities etc.' involved (in some way, shape or form) should (themselves) now quickly find an adequate (and standardised), worldwide / global solution to this data protection associated airline / commercial aviation problem - together with other types of emergency / crisis / disaster (humanitarian related in aviation contexts) response operations similarly (potentially and / or in reality) so disadvantaged

That some (a **very** small proportion as at early 2025) of such 'authorities' have committed to this is confirmed by the 'resolution' found at the end of the first link shown at the top of page 23 of this information article. However, **resolving** to 'do something' and '**actually doing so**' has been 'problematic' to date, for the great majority of said authorities

Reason 2

As already mentioned, passenger airline emergency response plans and associated capabilities, resources etc. vary enormously - ranging from 'exceptionally effective and efficient' to 'non-existent'

ABCX Airways

To provide some context here, the exceptionally effective and efficient airline (assume here that this includes 'ABCX Airways' [which is actually near true for the real airline which ABCX Airways portrays herein]) **will typically be as good (if not significantly better) at what it does** (in handling the consequences of a catastrophic aircraft accident) **than many equivalent ** government** (at all levels) and similar organisations around the world

Such airline capabilities can typically include (list is not exhaustive):

- Command, Control, Co-ordination & Communication Operations - both HQ and deployed
- International Emergency Call / Contact / Information Centre Operations
- International Humanitarian Assistance Teams and associated Operations
- Rapid world-wide response / deployment capability of appropriate staff (e.g. GO Team)
- Working with (and possibly mentoring) involved airport(s); airline representatives (e.g. ground handling agents) etc.
- Disaster Victim Identification and Personal Effects Recovery Operations (typically in conjunction with [commercial] sub-contacted, third party experts / specialists)
- Working with other airlines having direct interests e.g. Alliance / Codeshare / Affiliate etc. partners
- Crisis Communications (effectively communicating with other stakeholders [including the media] - particularly with surviving accident victims and their associated FR) - **using all modern communication mediums so to do**
- Contributing to any air accident investigation process

****** Note that we are **not** referring above to specialist / professional (government etc. type) 'emergency services' - typically including:

- Fire and Rescue Services
- Ambulance, Hospital and similar Services
- Police Services
- Search and Rescue Services
- Military / Paramilitary provided services
- etc.

So, let's now look more closely at what an airline such as ABCX Airways might typically be capable of delivering - in the catastrophic (mass fatality) aircraft accident type scenario:

1. By world standards ABCX Airways has a **fully fit for purpose** emergency / crisis response plan - primarily targeted at dealing with the humanitarian and other related consequences of a catastrophic aircraft accident to one (or more) of its aircraft - on a global basis

By 'fully fit for purpose' it can be assumed that (amongst **other** emergency / crisis response capabilities) ABCX Airways has:

- A fully fit for purpose **C4** (command, control, co-ordination and communication) capability (i.e. a crisis management centre [**CMC**] - based at / near airline HQ) + associated trained and exercised leadership and staffing
- An extremely sophisticated **emergency** (telephone) **call / contact / information centre** (**ECC**) **capability** with an **inbound** call-taking capacity of around 100,000 + calls per 24 hour period; an **independent outbound** call making capability - and the means to adequately man, manage and operate **both** capabilities concurrently (including specific ICT applications) - in the most effective, efficient and expedient ways currently possible

When activated, a total of around 1,000 fully trained and exercised **airline** (volunteer) personnel man the ECC 'around the clock' - via a 2 x 12 hour shift basis

- A fully trained and exercised **humanitarian** (family) **assistance team** (**HAT**) numbering almost 2,000 persons, capable of rapid deployment worldwide in support of an ABCX Airways emergency / crisis

This team similarly comprises trained and exercised airline volunteers (being **different** personnel from those forming the ECC team)

- A **GO Team** capability which can e.g. 'generate' an aircraft (GO Aircraft) to deploy the airline's GO Team (IF so required by actual circumstances 'on the day') within 2 to 3 hours of the airline first being alerted to an associated accident situation. Thus the 'GO aircraft', with a full GO Team on board, can typically be airborne (en route to - or as near as possible / practicable to - the accident location) within the above timeframe (latter typically applicable to scheduled, passenger airlines - charter type airlines, for example, will usually take somewhat longer)

A deployed GO Team typically comprises up to around 300 + persons (not including GO Team aircraft operating crew) of whom more than 85% will typically be the **GO Team** deployed element of the **HAT**

The remainder of the GO Team might typically comprise (relatively small numbers of) representatives from appropriate airline departments / business units such as:

- Flight Operations (flight crew and air accident investigation support)
- Cabin Services (cabin crew and possible air accident investigation support)

- Aircraft Engineering (aircraft recovery / salvage etc. + air accident investigation support)
- Safety (air accident investigation support)
- Security (ground and air / aviation)
- Finance, Insurance and Legal
- Communications / PR
- etc.

Note that airlines operating high density seating Airbus A380 aircraft (lots of seats = potentially lots of victims + lots of associated, non-involved FR to be cared for) might typically need to launch a second GO aircraft with the remainder of the GO Team (predominantly the balance of the deployed HAT) on board

Where so required a GO Team can deploy using surface transport and / or a mix of air and surface transport

Pedantically speaking, GO Team deployment is typically **not** required for an aircraft accident at or **very** close to airline HQ / ABCX Airways **HUB** airport(s) i.e. airline staff located at / near HQ will respond directly without the need to be 'transported somewhere' in the same context which applies to a GO Team. However, this may not always be the case e.g. where the accident airline operates from several (different) major hub airports

- **Subordinate** (i.e. subordinate to the main [overarching] ABCX Airways Emergency Response Plan) **emergency response plans** at **each** of the 140 **destination airports** to which it operates - for use by airline and / or airline representative (e.g. Ground Handling Agent - GHA) staff at those airports. Where feasible / possible / practicable, such plans can **also** incorporate and merge with any overriding emergency response requirements of any **airport(s)** involved - as appropriate
- Extensive agreements with other airlines for **mutual support** during an emergency response type situation
- A sophisticated and fit for purpose **crisis communications capability** - both at airline HQ and (to a lesser extent) in most of the countries to which the airline operates. As mentioned, elements of crisis comms staff also deploy with any GO Team as standard procedure
- A non-ending, regular cycle of emergency response related **training and exercising** - for the purposes of achieving continual improvement. Hand in hand with same, regular **compliance** (audit) measures are applied to all aspects of the airline's emergency response planning effort

2. Re emergency / crisis planning and response capabilities, there are obviously some which no airline can undertake. Most relate to 'government type' emergency service providers and similar

Another, at first thought, might include 'disaster victim identification - DVI' and 'personal effects recovery' type operations - and, generally speaking, this **will** be the actual situation in countries / jurisdictions which have or can engage adequate capabilities in such areas

Unfortunately, many countries around the world have no such 'homeland' DVI etc. capabilities themselves - but airlines obviously still operate to, from and within such countries

This effectively means that the better prepared / resourced airlines (such as ABCX Airways) might need to adequately address such DVI etc. matters themselves - primarily as a humanitarian consideration. They typically accomplish this by having ongoing contracts with specialist / expert third party (commercial) providers of such (DVI and Personal Effects) services

Other Airlines

There are hundreds (if not thousands) of airlines, of all types, operating 24H around the world. Relatively and very roughly speaking, only a **very** small number will have the emergency planning and response capabilities - as described further above herein for 'ABCX Airways'

For the remainder, a significant number might have emergency planning and response capabilities categorised as being 'average'. A similarly significant number will score 'below average to poor'. The remainder (too many!) will have absolutely no emergency planning and response capabilities whatsoever

The author of this info article believes ('best guess' based upon long term industry 'exposure and experience' to / of the subject of aviation emergency planning and response) that the latter category (non-existent capabilities) might include more airlines than the other three categories combined

What all of this thus means **from personal privacy / data protection - 'interference / getting in the way'** type viewpoints (as already discussed extensively elsewhere in **this** information article) is, that if the best airlines in the world (from emergency planning and response viewpoints) find it difficult to conduct the most effective, efficient and expedient emergency response operations possible in such restricting (**personal privacy / data protection** related) circumstances, then all * other airlines will be even more 'worse-off'

*** Not including airlines with associated, non-existent capabilities - as it cannot get any worse!**

For the purposes of the remainder of this information article - '**reasonably effective and efficient**' airline emergency planning and response capabilities have been assumed



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5. Dealing with Data Protection / Personal Privacy Matters - involving **GROUND** Victims

Note: See again definition of '**ground victim**' (page 22) - as required

Up to the time that they were actually designated as being '**ground victims**', the persons considered to comprise the latter (if any) herein - would typically have had absolutely nothing to do with ABCX Airways, re the associated / relevant crisis / emergency etc. situation of concern 'on the day'

Accordingly, both the ABCX Airways '**normal** business privacy policy' and '**crisis** situation privacy policy' cannot apply to them

Consequently (and where appropriate / reasonable and possible) it is suggested that '**consent**' might be the most appropriate lawful basis (in general) for processing personal data of such ground victims. Where 'consent' is so used, the associated details should be recorded and retained by ABCX Airways etc. accordingly

Where consent is otherwise **not** possible (e.g. a ground victim is physically and / or mentally and / or legally etc. incapable of giving consent) it is suggested that any / all of the other lawful bases used for ABCX Airways etc. **PASSENGERS** (as already described elsewhere herein) **might** be similarly considered **BUT** - only after it (ABCX Airways) has taken appropriate legal / specialist advice

Should any ground victim be capable of giving consent but refuses so to do, it is suggested that ABCX Airways etc. clearly (unequivocally) advises him / her (i.e. **each** said ground victim so refusing) that such refusal might severely limit any assistance that the airline might (otherwise have been able to) provide. All such persons should also be advised to seek appropriate legal / specialist advice on the matter - without delay

In certain circumstances it is possible that certain ground victims (who are 100% physically and mentally sound) might not otherwise be able to easily grasp the various concepts associated with personal privacy and data protection - including matters concerning 'consent'. In such circumstances it is suggested that any / all of the lawful bases used for ABCX Airways etc. **PASSENGERS** (as already described elsewhere in **this** information article) **might** be similarly considered **BUT** - only after it (ABCX Airways) has taken appropriate legal / specialist advice

Concerning the last 4 paragraphs above, the associated details should be recorded and retained (ideally in an electronic, searchable format which should be quickly and easily available to all those potentially needing same) by ABCX Airways etc. accordingly - and used (as appropriate) to better / further manage the data protection / personal privacy aspects of communications with ground victims

Concerning the 'taking of legal / specialist advice' (by ABCX Airways etc.) as per above - the time to take and incorporate such advice is, of course, **NOW** (today etc.) - before any situation such as the one described above, can arise



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6. Dealing with Data Protection / Personal Privacy Matters - involving 'Family, Relatives & Friends'

Note: See again definition of 'Family, Relatives and Friends' etc. (page 22) - as required

The ABCX Airways 'normal business privacy policy' and its (separate) 'crisis related situation privacy policy' - for (its) **passengers** - **obviously does** / **cannot** apply to the 'Family, Relatives and Friends' (FR) of said passengers (i.e. where such FR are associated in some relevant way with passengers of e.g. a specific ABCX Airways catastrophic aircraft accident / aviation disaster / equivalent event **BUT where** [said FR] **had NOT been on board the relevant / involved flight itself - NOR can they be otherwise categorised** [see definition page 22 as required] as being '**ground victims**' of / re said accident)

Where appropriate and possible it is suggested that (specific and informed) '**consent**' might be the most appropriate lawful basis for processing personal data of individual FR etc. (as per last para above) that the airline etc. 'is / becomes aware of' and who are (reasonably quickly and easily etc.) contactable - however all of the latter might be achieved

Where possible, such consent should be obtained and recorded at the time of first contact by / with ABCX Airways (and / or its representatives etc.) with each / every such individual FR etc. (i.e. regardless of how the contact is made [e.g. face to face; telephone; email etc.] **OR** who initiates the contact)

Where multiple FR (per / re **any particular**, associated victim[s] etc.) are involved, **individual** consent (as per aforesaid) from each such FR etc. should be obtained

Due to the intense pressures, time constraints etc. on ABCX Airways etc. in the circumstances associated with such a crisis etc. as per above - it is suggested that where such consent (as per above) is not quickly obtained / forthcoming, the FR concerned is / are **VERY** tactfully advised that the airline etc. would be unable to assist him / her / them (in the 'best for all concerned manner' possible) until such consent **is** provided

Where consent is otherwise **not** possible (e.g. if an associated FR is physically and / or mentally etc. incapable of giving consent) it is suggested that any / all other **lawful bases** (as relevant and already described elsewhere in this information article) be considered **BUT** - only after it (ABCX Airways) has taken appropriate legal / specialist etc. advice on the specific matter of concern

In certain circumstances FR might (understandably) not be able to readily grasp the various concepts associated with personal privacy and data protection etc. - including matters concerning 'consent'. In such circumstances it is suggested that any / all of other lawful bases relevant - **might** be similarly considered. If so, appropriate legal / specialist advice should be taken accordingly, by ABCX Airways

In the relevant circumstances, ABCX Airways etc. should maintain accurate and current lists of all FR who have provided consent, those that have refused and those for which lawful bases (**other than consent**) have been used. The lists (ideally in an electronic, searchable format and being quickly and easily available to all those needing same) should be used (as appropriate) to better manage / further manage the data protection / personal privacy aspects of communications with such FR

Concerning the 'taking of legal / specialist advice' (by ABCX Airways etc.) mentioned just above (or elsewhere herein) - the time to take and incorporate such advice is, of course, **NOW** (today etc.) - before the situation described above and elsewhere herein might ever arise



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Further Reading - 1

Humanitarian Organisations - Ensuring Data Protection during Emergencies

Published 2 Oct 2023 - Daniel O'Malley (*Head of Regional Delegation of the ICRC (International Committee of the Red Cross) in Nairobi*)

The month of September has witnessed two devastating disasters in Africa. The catastrophic failure of two dams in the Derna, Libya brought about an unprecedented level of death and destruction. A few hours earlier, a powerful earthquake registering 6.8 on the Richter scale had jolted the Atlas Mountains in Morocco claiming the lives of thousands and displacing hundreds of thousands from their homes

The scale of destruction from the above is horrific. In Libya, the floodwaters tore through infrastructure already weakened by years of armed conflict, compounding the effect on those already affected and making rescue efforts challenging. Teams from the International Red Cross and Red Crescent Movement have been in place attending to the huge humanitarian needs e.g. search and rescue, finding missing persons, providing medical treatment, offering psychosocial support etc.

Last week, the ICRC's logistics Centre in Nairobi sent a plane load of equipment to Libya to assist in reconstructing water infrastructure together with 2500 body bags to support the proper and dignified management of the dead

When humanitarian aid organisations respond to such disasters, their operations invariably involve the collection, processing and storage of personal data - including sensitive data e.g. biometric data, genetic data, data on the health status of individuals etc.

Said data is typically required for humanitarian related type assistance, including identification of affected persons and mortal remains, promoting family reunifications etc. The acquisition of accurate and timely data is thus the lifeblood of effective humanitarian response ops - allowing relevant organisations to target their efforts precisely, allocate resources efficiently, respond promptly to emerging needs etc.

Persons providing their personal data to humanitarian organisations do so trusting that their data will be handled with respect and for the intended purposes. Mishandling of data can pose a serious threat to the lives and safety of the very people that such humanitarian organisations might be trying to protect and assist

It is hard to speak of upholding human dignity in the absence of a robust framework of data protection used by said organisations. Consequently, the latter have a moral imperative - even in the absence of e.g. a legal duty - to 'protect' the data they collect. This includes e.g. use of encryption plus other, relevant access controls and secure storage solutions - so as to minimise the likelihood of associated breaches / cyberattacks etc.

The [cyberattack of January 2022](#) - targeting the servers of a 'company' entrusted by the ICRC to store data related to missing persons from conflicts and disasters - serves as a stark reminder of the data protection type risks faced by humanitarian organisations

This highly sophisticated cyber intrusion impacted the data of over 515,000 vulnerable individuals, as had been compiled by more than 60 Red Cross and Red Crescent Societies globally. The ICRC promptly implemented remedial measures, including temporarily taking the data offline. The associated lessons learnt from the attack are being used to augment the existing framework of data protection - with a 'key takeaway' being that humanitarian organisations are definitely not immune to cyber threats

In Kenya, we have appreciated the dialogue between the ICRC and the (Kenyan) 'Office of the Data Protection Commissioner' regarding 'data protection as collected / utilised etc. by humanitarian organisations' (as based on our operations in Kenya). Similarly, constant dialogue with equivalent data protection authorities worldwide is / will be essential re building trust between regulators and humanitarian agencies etc.

Kenya's Data Protection Commissioner last week joined me in officially opening a 'Data Protection Officer Humanitarian Action' certificate course in Naivasha. She urged all relevant humanitarian organisations to protect personal data of the persons they serve / assist etc. - being part of 'safeguarding human life and dignity of the individual'. ***She further called on 'humanitarians' to view data protection legislation etc. not as a hindrance but rather as a tool to enhance humanitarian work***

The above, referred to course was hosted by the ICRC together with the 'European Centre on Privacy and Cybersecurity' (ECPC) plus 'Maastricht University Faculty of Law' - and brought together more than 30 participants from across Africa - ***so as to get a better understanding of how they can work and process data of affected populations in emergencies while protecting associated dignity.*** Dignity must be at the centre of humanitarian action, and we are keen to preserve that. This workshop is one way of helping to get it right

We are cognizant (re what has been documented above) that 'humanitarian response' ops etc. cannot exist alone and thus involve a mix of various actors e.g. (following list is not exhaustive of course) *local NGOs, national governments, international NGOs, UN agencies, the International Red Cross and Red Crescent Movement etc.* - leading to a substantial exchanges of data within and across borders. This raises lots of challenges for data protection given that ***different organisations may be subject to different legal obligations both at local and international levels***

One pragmatic approach to surmounting such 'legal' etc. intricacies might involve establishing robust, internal data protection frameworks where e.g. humanitarian organisations bear the responsibility of ensuring that their associated systems and procedures etc. (for data collection, processing, utilisation etc.) - align with e.g. 'best' international standards; which data it needs to protect etc. - with the ultimate intention that ***we*** 'do no harm' with any such data entrusted to us - by those who might be 'most vulnerable'



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Further Reading - 2

Aviation Related Air Accident Response Ops etc. - vs - Data Protection Legislation and Equivalent (Similar / Related etc.) Adverse Matters

September 2023

Data-protection and 'International Carriage by Air' - **Seminar**

Background as to why (associated) current (as at late 2023) and differing **data protection / personal privacy laws** etc. in use today worldwide - could (**probably would**) unduly interfere with (i.e. adversely and very significantly get in the way of) certain humanitarian etc. related aspects of a catastrophic (typically mass fatality) aircraft accident / aviation disaster response - and equivalent 'adverse' (e.g. unlawful interference; extreme weather etc.) type scenarios

<https://www.icao.tv/data-protection-and-international-carriage-by-air-seminar>

May 2024

Data Protection - **White Paper** (31 pages) - IATA (resultant from Sep 2023 seminar above)

<https://www.iata.org/contentassets/da67b41b565c4bd88d5944b136cc8d15/data-protection-white-paper.pdf>

3 Oct 2024

IATA **Webinar** - Data Protection vs International Carriage by Air

Experts from IATA, its member airlines and leading global privacy lawyers 'introduce' the (May 2024) '**White Paper on Data Protection and International Carriage by Air**' to assist relevant persons (in the aviation 'industry etc.) to better gain and potentially use essential insights into:

- **Types** of personal data airlines currently 'handle' so as to facilitate 'international air carriage'
- Associated **key challenges** that international airlines currently face re the above subject
- High level **recommendations** re the (associated) **way forward** / '**next steps**' etc.
- **Recent** (associated) **developments** at **ICAO**

The above event focused on **senior management** - including legal, data protection, privacy, facilitation etc. experts from / in:

- Airlines and other aviation related organisations
- Civil Aviation authorities etc.
- Ministries of Transport etc.
- Council members and representatives to / of ICAO and its Secretariat

<https://www.iata.org/en/events/webinars/data-protection-international-carriage-by-air/>





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Further Reading - 3

United Kingdom

Following as per 'UK Information Commissioner's Office - ICO' 'Directive' - **October 2024**

UK - Data Sharing in Urgent Situations / Emergencies

*In an Emergency / Major / Urgent Crisis 'you' **SHOULD** SHARE PERSONAL DATA etc. - as is NECESSARY / PROPORTIONATE to the Actual Circumstances prevailing - 'at the time / on the day'*

For example, take the risk of serious harm, in any of its forms, to human life. In anticipation of same it is necessary for potential, associated responders etc. to pre-plan and exercise accordingly re the data protection issues which could potentially arise in such circumstances - and which they will need to 'conduct and manage' accordingly - **at the time / on the day**

In a little more detail

Much of the UK ICO's data protection code *envisages* that 'you' are / will be carrying out data sharing on a **routine** basis - and thus have the opportunity and time to plan carefully ahead and thus be able to better manage urgent situations / emergencies etc. accordingly 'on the day'. This might not always be the case..... read on!

What should 'we' do (re data sharing) in (associated) **urgent / emergency / crisis situations?**

As the latter typically occurs in circumstances which are not pre-envisaged - 'you' might have to deal with same 'on the spot' / 'there and then' / 'as is' / 'without an appropriate plan to follow' etc.

In such situations, you **SHOULD** share data as is necessary and proportionate. Note that not every urgent situation is an emergency - i.e. the latter ('emergency') typically including / covering e.g. (NB: list just below is **not** exhaustive):

- Preventing serious physical harm to a person(s)
- Preventing loss of human life
- Protection of public health
- Safeguarding vulnerable adults and / or children
- **Responding to other types of emergency** (e.g. *major aircraft accident*)
- Immediate need to protect national security
- and similar etc.

UK related 'tragedies' over recent years e.g. London's Grenfell Tower fire, major terrorist attacks in London and Manchester, crises arising from the coronavirus pandemic etc. - have illustrated the need for a joined-up public services etc. response - **where urgent and / or rapid data sharing** makes real (**positive / advantageous**) differences to public health, safety etc.

In the latter situations (and similar) - and moving forwards with consideration to their *potential, future* (equivalent) situations - note that *it might be more harmful not to share data - in contrast with doing otherwise*. One should thus factor in (for the purposes described above and elsewhere herein etc. - as appropriate) the *potential risks* involved in *NOT* so sharing data accordingly - when the situation 'on the day' might well require otherwise

How can we plan ahead for data sharing in urgent / emergency type situations?

In the latter situations, it will be necessary to make / take associated decisions rapidly - thus *forward planning* is vital. Just as the 'emergency services' train, pre-plan and exercise / test for various scenarios on a relatively frequent cycle - 'you' should do likewise re your own organisation's requirements - re the sharing of information in urgent / emergency etc. type situations

Re the last para above, when there is less time to consider matters in detail, it might be somewhat 'problematic' in making sound judgements re such sharing. Likewise, there can be reasons why organisations / agencies etc. might be hesitant re sharing information when *preparing* for emergency etc. planning - and / or in the *recovery phase*, where (for both situations) the need to share data / information *may appear to be less urgent*

The key point made here is that the *UK GDPR* (General Data Protection Regulations) and the DPA (UK Data Protection Act - 2018) ***DO NOT prevent you from sharing personal data, where it is appropriate so to do***. This latter must thus be factored accordingly into your own considerations, procedures, training and exercising etc.

If you are likely to be involved in responding to emergency and / critical situations, you should consider *in advance* the *types* of data which you are likely to need to share. As such it would be useful to consider any pre-existing and relevant DPIA(s) (Data Protection Impact Assessment) and also refer to your own emergency, disaster recovery, business continuity etc. plans as required

Consider that criminals might use a major incident / crisis etc. as an opportunity to obtain personal data unlawfully. Consequently, the *security measures* outlined earlier in this code *still remain relevant and necessary* - in times of urgent data sharing

All of the above should help you establish what relevant data you hold and can use - *and thus assist in preventing delays in any associated emergency / crisis situation*

All types of organisations could face urgent but nonetheless (generally / typically) foreseeable data protection type crisis situations. Accordingly, the latter should have pre-established procedures established re the personal data they hold - together with how (for the purposes of the document being read right now) same might be shared or otherwise. Any actions taken re the latter should be documented accordingly at the time (and / or possibly later, circumstances on the day so requiring)

Example

The police, fire and ambulance services plus local councils - meet to plan for identifying and assisting vulnerable people in their 'area' - re any associated emergency situations e.g. flood, major fire etc.

As part of this process, they determine what type of personal data each holds and then produce a joint *data sharing* agreement, setting out what they would / could share and how - in such situations. Said plan to be reviewed (+ updated as required) at regular, scheduled intervals