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The Dutch Association of Travel Agents and Tour Operators ANVR has become aware about the upcoming
changes in section 4 of IATA Resolution 830d, effective on 1 June 2019. These changes are related
to
providing passenger contact details for operational flight disruption.

The ANVR has concerns about this change to IATA, because this section (no. 4) puts a heavy responsibility
on the IATA agent related to the EU General Data Protection Regulation (hereafter referred to as
“GDPR”). These concerns are shared by ECTAA and already brought to the attention of IATA.

Compliance to IATA Resolution 830d, section 4

IATA-agents, which are member of the ANVR, are however willing to comply with section 4 of IATA
Resolution 830d, provided the following conditions are met by the airline:

1) The airline understands that IATA agents have to protect the interests of their customers, in
particular related to any information which is covered by the GDPR.

2) Prior to any implementation of section 4 IATA Resolution 830d, an airline shall provide the IATA agent
with its privacy statement which must be compliant to the GDPR, preferable by a hyperlink which is
publicly accessible. Without an airlines’ privacy statement an IATA-agent is and shall not be able to
ask the passenger for his or hers consent in providing the passenger contact information. This is not
considered to be equal to a refusal by the passenger and the IATA-agent shall not undertake any
action in the PNR related to the passenger contact data elements.

3) The airline further agrees:

a) that passenger contact details (“mobile number and/or email”), or refusal, shall solely be
provided in the standard AIRIMP SSR messaging format (CTCM, CTCE or CTCR). IATA-agents do
not accept any other format due to the extra workload-, error risks, redundancy and
development costs.

By e-mail: contact_email

Your letter of : 
Your ref. : 
Our ref. : BPV20190529001
Subject : Execution of IATA Resolution 830d by IATA agents in the Netherlands.

Baarn, date

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development costs.
b) that passengers have the right to appoint a third party (including the IATA-agent) to act as the passenger contact related to flight disruptions.

c) that any indication of unlawful processing of personal data of the passenger, which may be detected by the passenger, IATA agent or other party, by the airline, which explicitly includes any commercial use or for marketing purposes, may result in the following actions, and may be executed without prior notice to the airline:
- The IATA agent may inform its customers about this unlawful processing by the airline.
- The IATA agent, passenger or any third party may file a complaint against the airline at the Dutch Supervisory Authority.
- The IATA-agent may suspend its efforts to provide passenger contact data to the airline.
- Any further (legal) action by the passenger or the IATA agent to protect the (legal) interests of the passenger or the IATA agent.

d) to indemnify and hold harmless the IATA-agent, its officers and employees, from and against liability for any loss, injury or damage, including penalties and fines, which are related to non-compliance of the GDPR, arising from the use or processing of the passenger’s personal data by the airline.

e) that in the extension of further explanation of section 8 of IATA Resolution 830d, the airline shall not encumber the IATA-agents with any liability related to shortcoming of section 4 IATA Resolution 830d, including any penalties (or equivalent) announced or applied by the airline.

Review of the use of passenger contact data
Our members already perform a strict review of any communication received by the airline related to the passenger contact data. This means that any communication which is not related to irregular flight operations and disruptions in principle is assessed as commercial and/or for marketing purposes.

The ANVR to its members, and our members to their clients, shall actively communicate the status of the use of personal data by airlines. This also includes situations where a privacy statement is not received or obviously is not compliant with the GDPR, or any other matter which is related to 830d.

Implementation and effectiveness
We hope that you are aware that an IATA-agents start execution of section 4 of IATA Resolution 830d, which means that any activity related to this resolution is subject to the conditions as aforementioned. Moreover, IATA-agents which have an automated booking process may need more time to develop, test and implement technical adjustments. On the other hand, IATA-agents which are operating in the business travel market or (partly) operate as consolidator for non-IATA travel agents, need time to inform and ask consent of their clients, passengers and sub agents. We believe that a reasonable period to perform these changes would be 6 months.

Communication to passengers
IATA-Agents are already required to inform the passenger about flight disruptions if properly communicated by the airline to the agent (art. 5 IATA Resolution 830d). Since the primary contact with the passenger is the IATA agent (through its company or sub agent), we believe it is in both our interest that communication until 5 days before the departure date of the passenger, should solely be done by the IATA-agent. We advise you to adjust your procedures accordingly.
For the sake of efficiency this letter is addressed to you on behalf of all IATA agent members of the ANVR. If you have any question related to this letter, please send your inquiry to luchtvaart@anvr.nl. We would like to emphasise that the ANVR is not a communication channel for airlines and that any change or addendum to the legal relationship between airlines and IATA agents must be directed to the IATA agent by the airline.

Yours sincerely,

Dutch Association of Travel Agents
and Tour Operators (ANVR)

P.A Vos LL.M.
Chairman
ANVR Air Matters Committee