

EDWARD HASBROUCK

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5 May 2010

Subject Access Request

Lufthansa Group Data Protection Manager
Dr. Barbara Kirchberg-Lennartz
Deutsche Lufthansa AG
FRA DSB
60546 Frankfurt
GERMANY

e-mail: cgndsb@dlh.de

Subject: Request for access to the personal data processed by or on behalf of your company

Dear Dr. Kirchberg-Lennartz:

The undersigned, Edward Hasbrouck, a citizen of the USA residing at 1130 Treat Ave., San Francisco, CA 94110, USA, files this request with your company Deutsche Lufthansa AG (IATA code "LH") pursuant to Section 19 of the German Federal Data Protection Act (Bundesdatenschutzgesetz), as last amended by Article 1 of the Act of 14 August 2009 and as implemented pursuant to article 12 of the European Data Protection Directive 95/46/EC.

I request that you provide me with all of the information to which I am entitled pursuant to that Act and that Directive.

I note in particular that clause (3) of Section 6a of the Data Protection Act (BDSG) as amended provides that, (in the unofficial English translation provided by the German Federal Commissioner for Data Protection and Freedom of Information at <bfdi.bund.de>), "The data subject's right of access under Sections 19 and 34 shall also extend to the logic involved in the automated processing of his or her personal data." I also note that it is the responsibility of the data controller to provide such an explanation of the processing logic, regardless of whether the processing itself is carried out by the data controller, their agent or contractor, or a third-party or fourth-party recipient of data obtained from or on behalf of the data controller. Accordingly, I request that you inform me of the logic to be involved in any such processing, whether by your company or by any recipients of data pertaining to me obtained from or via your company. This includes, but is not limited to, the complete logic of the processing (including the algorithms and the source code of any computer programs implementing the processing logic) for processing of my data, obtained from or via your company, by the Department of Homeland Security or any other agencies of the government of the USA or other governments for purposes such as to determine whether to conduct more intrusive or intensive questioning or search of my person or luggage, whether to identify me as a "selectee" or for "secondary screening", whether to permit me to check in for or board any flight, and whether to permit me to depart from any country or enter any other.

In accordance with the European Data Protection Directive, I also specifically request that you inform me whether any of my personal data have been transferred outside of the national

territory of Germany, in whatever form or by whatever means, whether to governmental or commercial or other entities, and if so exactly which data, when, to whom, for what purposes or programs such as the USA's "Automated Targeting System" (ATS) or "Advance Passenger Information System" (APIS), and subject to what enforceable contractual commitments from the recipient, including to which agency or agencies of the government of the USA and to which commercial entity or entities in the USA or other countries, including but not limited to PNR hosting services (such as computerized reservation systems or global distribution systems), PNR and transaction processing services (such as the Airlines Reporting Corporation (ARC), IATA's Bank Settlement Plan (BSP) and its area banks, and the Amadeus division formerly known as Airline Automation, Inc.), and travel transaction and customer data aggregation and analysis services (such as the Vistrio joint venture of Sabre and the Equitec subsidiary of Axiom).

I also request that you inform me of your policies for use, access, retention, and destruction of this data, and those of any recipients of this data, particularly those outside Germany.

This request includes any data collected collected, maintained, accessed, processed, or disclosed to third parties by your company or by any of your agents (including but not limited to your agent Airtrade International Inc., trading as "Vayama.com", a subsidiary of BCD Holdings NV, a Netherlands corporation, which was appointed by LH and acted as agent for LH as principal in the execution of my contract of carriage with LH), sub-agents, contractors, and subcontractors, including computerized reservation systems (CRS's), PNR hosting companies, codesharing, alliance, other "partner" airlines and operators of trains or buses (such as trains and buses with Lufthansa "flight" numbers), or other parties.

If you, your agent(s), and/or your contractor(s) subscribe to any computerized reservations system (CRS), I request in accordance with Article 11, Section 6 of the EU Code of Conduct for CRS's (Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009), that you inform me of the name and address of the CRS system vendor(s), the purposes of the processing, the duration of the retention of individual data and the means available to the data subject of exercising her or his access rights.

With respect to any PNR data, I specifically request that you provide copies of all my PNR's (including "history" and ticket records) from all CRS's or hosting systems, including both the PNR's from your "host" system and PNR's created by your agent(s), other airlines (including codeshare airlines), or other codeshare operators (such as train or bus operators) in other CRS's or reservation systems.

This request includes all personal data processed by you of which I am the data subject, including but not limited to:

1. Airline hosting and/or travel agency Passenger Name Records (PNR's)
2. PNR histories
3. Cancelled PNR's and their histories
4. Archived or "purged" PNR's and their histories
5. System logs of access to these PNR's and PNR histories, including any records of retrieval or other access to my PNR or other data by airline or CRS offices or travel agencies, and including records of what data was accessed, by whom, when, and from where (including whether such access was made from outside Germany or the EU)
6. Departure control system records and access logs

7. Advance Passenger Information (API) records and logs
8. AIRIMP, EDIFACT, or other message records
9. Ticketing records including complete virtual coupon records or ticket images
10. Bank Settlement Plan (BSP), interline, or other settlement records
11. Credit card processing, financial, billing, or payment records
12. Frequent flyer account records
13. Customer, Web user, or traveller records or profiles
14. Web site visitor, usage, and query records and logs, including all records of which of my PNR, profile, or other personal data was accessed via airline, CRS, or travel agency Web sites (including via online reservation management, check-in, or PNR-viewing sites, and including but not limited to VirtuallyThere.com, ViewTrip.com, MyTripAndMore.com, and/or CheckMyTrip.com), including by whom, when, and from where (including whether such access was made from outside Germany or the EU)

This request includes any records collected, maintained, accessed, processed, or disclosed to third parties by any of your agents, sub-agents, contractors, or subcontractors, including but not limited to any alliance, codeshare, marketing, operational, or other "partners" or parties.

I note that some of these records, particularly CRS or hosting system logs showing the terminal addresses, user sines, and exact queries which were used to access my data from those systems, may not routinely be retained for more than a few days, at most. Accordingly, I specifically request that you take immediate steps to ensure the retention of this data while this request is pending, including notification of this request to the relevant departments within your organization and to each of your agents, sub-agents, contractors, or subcontractors who might have had access to my data. Time is of the essence to ensure the retention of this data.

This request includes, but is not limited to, personal data pertaining to my journey as follows:

LH455	05APR2010	SFO-FRA
LH4576	06APR2010	FRA-BRU
LH6911 (bus)	23APR2010	Strasbourg-FRA
LH418	23APR2010	FRA-IAD
LH9368 (operated by UA)	23APR2010	IAD-SFO

LH record locator Y55IZ2

Vayama.com record locator KLL972

United Airlines (UA) codeshare record locator N3VQCW

electronic ticket number 220 9862793403

I have attached copies of my boarding passes for this journey, and of my passport as evidence of my identity. I hereby certify under penalty of perjury that I am the person identified by this passport and to whom this data pertains.

Please note that, should you not answer this request within the legally required maximum, or should your answer fail to fully answer my request, I reserve the right to bring the case before the competent judicial authorities, and/or to inform the German Federal Commissioner for Data Protection and Freedom of Information of your failure to answer.

Should you have any questions or require further information from me to expedite your response to this request, please contact me by telephone at +1-415-824-0214 in San Francisco (FRA time – 9 hours) or by e-mail at <edward@hasbrouck.org>.

Sincerely,

Edward Hasbrouck
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San Francisco, CA 94110
USA
+1-415-824-0214
edward@hasbrouck.org