

# Appendix III: Definitions

To the review report on the collection  
and further processing of airline passenger  
data by the AIVD and the MIVD

**CTIVD no. 71**

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Review Committee  
on the Intelligence and  
Security Services



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## APPENDIX III

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### Definitions

This list explains a number of terms used in the review report. In providing the descriptions, the CTIVD's aim was not completeness, but to try to give the reader as clear a picture as possible of the terms in question.

|                                |                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>API data</b>                | Advance Passenger Information. API data is data from a passenger's travel document supplemented with data about the flight in question. This information must be submitted to the competent authority before the end of the boarding check (in advance). It concerns flight information from outside the EU or outside the Schengen area with a Dutch airport as destination. |
| <b>Application</b>             | A computer program.                                                                                                                                                                                                                                                                                                                                                           |
| <b>Authorize</b>               | The process to grant a staff member access to information and/or an application.                                                                                                                                                                                                                                                                                              |
| <b>Automated data-analysis</b> | A form of data processing which includes in any case (i) the automated comparison of data, mutual comparison and combined comparison, (ii) the search of data based on profiles and (iii) the comparison of data in order to detect certain patterns.                                                                                                                         |
| <b>Bulk data set</b>           | Bulk data sets are large collections of data, the vast majority of which concern organizations or people who are not the subject of investigation by the services, nor ever will be.                                                                                                                                                                                          |
| <b>Data processing</b>         | Collecting, recording, arranging, storing, updating, altering, retrieving, consulting or using data, disseminating data by means of forwarding, distributing data or any other form of making available of data, and the assembling, interrelating, protecting, deleting or destroying of data (Section 1, preamble and (f), of the ISS Act 2017).                            |
| <b>Database</b>                | A digital data collection.                                                                                                                                                                                                                                                                                                                                                    |

|                                              |                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Director of the MIVD</b>                  | Officer in charge of the MIVD.                                                                                                                                                                                                                                                                                                                                                   |
| <b>Director-general of the AIVD</b>          | Officer in charge of the AIVD.                                                                                                                                                                                                                                                                                                                                                   |
| <b>Fundamental rights</b>                    | Basic rights set out in for example international treaties and defined in case law, such as the European Convention on Human Rights (ECHR). Examples of these rights include the right to respect for one's personal and family life (privacy), freedom of speech and the right to liberty and security.                                                                         |
| <b>General investigatory power</b>           | Investigatory powers, not being special investigatory powers, which the AIVD and the MIVD may use to perform their tasks. The use of these investigatory powers does not require authorization from the Investigatory Powers Commission (TIB).                                                                                                                                   |
| <b>Intelligence service</b>                  | A service that conducts investigations into other countries for the purpose of identifying real and potential threats to the service's own national security.                                                                                                                                                                                                                    |
| <b>Investigatory power to use informants</b> | A general investigatory power that the service can exercise to collect data. The services can turn to administrative authorities, public sector workers and 'also any other deemed able to provide the necessary information'. The provision of data is possible by direct computerized access or by the provision of a computerized data file (Section 39 of the ISS Act 2017). |
| <b>ISS Act 2002</b>                          | Intelligence and Security Services Act 2002.                                                                                                                                                                                                                                                                                                                                     |
| <b>ISS Act 2017</b>                          | Intelligence and Security Services Act 2017.                                                                                                                                                                                                                                                                                                                                     |
| <b>Logging</b>                               | The systematic automated registration of data about the use and functioning of a computer program.                                                                                                                                                                                                                                                                               |
| <b>Personal data</b>                         | Data relating to an identifiable or identified individual natural person (e.g. a name or a photograph) (Section 1, preamble and (e), of the ISS Act 2017).                                                                                                                                                                                                                       |
| <b>PNR</b>                                   | Passenger Name Record. PNR data consists of the booking details of a passenger before the actual flight. This is the API data supplemented with payment and baggage details. It concerns information from all flights with a Dutch airport as destination.                                                                                                                       |
| <b>Position involving confidentiality</b>    | A position involving confidentiality is a position in which it is possible to abuse knowledge or powers which can lead to a severe threat to the national security or other important state interests.                                                                                                                                                                           |
| <b>Target</b>                                | A person or organization that is being investigated by the AIVD or MIVD.                                                                                                                                                                                                                                                                                                         |
| <b>TIB</b>                                   | Investigatory Powers Commission. A body that assesses in advance – following authorization by the Minister of the Interior and Kingdom Relations or the Minister of Defence – whether the use of specific special investigatory powers by the AIVD and the MIVD is lawful. The TIB's decision is binding.                                                                        |

**Security clearance**

This is a statement issued after a security screening by the AIVD or the MIVD to a person eligible for a position involving confidentiality.

**Security service**

A service that conducts investigations into persons and organizations that potentially represent a threat to the continued existence of the democratic constitutional state, or to security or other vital interests of the State, or to the security and readiness of the armed forces.

**Special investigatory power**

An investigatory power of the service which regulates the use of a specific method that infringes privacy and also lays down the circumstances and conditions under which the power may be exercised. Special investigatory powers are generally exercised in secret. The special investigatory powers are laid down in Sections 40 to 58 of the ISS Act 2017 (for example interception and observation). Some special investigatory powers are assessed by the Investigatory Powers Commission (TIB) on the lawfulness of the authorization granted by the minister.

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