
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Law Enforcement and Security (Separation
Issues etc.) (EU Exit) Regulations 2020

PART 2

Amendments of the Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019

CHAPTER 12

Passenger Name Record Data

Saving provision

31. After regulation 106 (revocation of Commission Implementing Decision 2017/759), insert—

“Savings provision - requests received before commencement day

106A.—(1) This regulation applies to requests received by the PIU in accordance with Article 9 or 10 of the [Directive 2016/681/EU](#) of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime on or before commencement day (and see Article 63(1)(g) of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act).

(2) The following provisions of the Passenger Name Record Data and Miscellaneous Amendments Regulations 2018(1) (“the 2018 Regulations”) continue to have effect in relation to those requests as if the amendments made to the provisions by regulation 104 did not apply—

- (a) regulation 6(3) (processing of PNR data by the PIU);
 - (b) regulation 9 (requests for PNR data made to the PIU by a non-UK PIU);
 - (c) regulations 2 (interpretation) and 3(2)(d) (responsibilities of the PIU), but only for the purposes of the other provisions which continue to have effect by virtue of this paragraph.
- (3) In this regulation, “the PIU” has the same meaning as in the 2018 Regulations.

Savings provision – information received by virtue of the PNR Directive

106B.—(1) This regulation applies to PNR data which was received by the PIU by virtue of [Directive 2016/681/EU](#) of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection investigation and prosecution of terrorist offences and serious crime (including that Directive as it applies by virtue of Article 63(1)(g) of the withdrawal agreement).

(2) The PIU may only transfer PNR data to which this regulation applies, or the result of processing of such data, under regulation 12(2A) of the 2018 Regulations on the basis that the second condition is met if the transfer is being made to a non-UK PIU which is an authority of a member State.

(3) In this regulation—

“the 2018 Regulations” means the Passenger Name Record Data and Miscellaneous Amendments Regulations 2018;

“non-UK PIU”, “the PIU” and “PNR data” have the same meaning as in the 2018 Regulations.

(4) In respect of regulation 106A (savings provision – requests received before commencement day) and this regulation, see Article 63(1)(g) and Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act.”