

## STATUTORY INSTRUMENTS

# 2018 No. 598

## The Passenger Name Record Data and Miscellaneous Amendments Regulations 2018

### PART 2

#### The Passenger Information Unit

##### Designation of passenger information unit

- 3.—(1) The Home Office is designated as the passenger information unit <sup>F1</sup>....
- (2) The PIU is responsible for—
- (a) collecting PNR data from air carriers;
  - (b) storing and processing PNR data;
  - (c) where appropriate, transferring [<sup>F2</sup>PNR information] to a UK competent authority [<sup>F3</sup>, Europol or Eurojust];
- [<sup>F4</sup>(ca) where appropriate, exchanging PNR information with an EU PIU;]
- [<sup>F5</sup>(d) where appropriate, exchanging [<sup>F6</sup>PNR information] with a [<sup>F7</sup>third country] competent authority]
- [<sup>F8</sup>(3) The Secretary of State may by regulations amend paragraph (1) so as to designate a different authority as the PIU.
- (4) The power in paragraph (3) is exercisable by statutory instrument and includes power—
- (a) to designate different authorities for different purposes or in relation to different areas;
  - (b) to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (5) Where regulations under paragraph (3) designate more than one authority as the PIU, the provision that may be made by virtue of paragraph (4)(b) includes, in particular, provision amending these Regulations to make provision for the transfer of PNR information from one authority so designated to another.
- (6) A statutory instrument containing regulations under paragraph (3) is subject to annulment in pursuance of a resolution of either House of Parliament.]

##### Textual Amendments

- F1** Words in [reg. 3\(1\)](#) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), [regs. 1, 104\(3\)\(a\)](#) (with [regs. 106A, 106B](#)) (as inserted by [S.I. 2020/1408](#), [regs. 1, 31](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 3\(2\)\(c\)](#) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [s. 40\(6\)\(b\)](#), [Sch. 2 para. 3\(2\)\(a\)](#) (with [Sch. 6 para. 9](#)); [S.I. 2020/1662](#), [reg. 2\(cc\)](#)

- F3** Words in reg. 3(2)(c) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 3(2)(b)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F4** Reg. 3(2)(ca) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 3(3)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F5** Reg. 3(2)(d) substituted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **104(3)(b)** (with regs. 106A, 106B) (as inserted by S.I. 2020/1408, regs. 1, 31); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 3(2)(d) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 3(4)(a)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F7** Words in reg. 3(2)(d) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 3(4)(b)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F8** Reg. 3(3)-(6) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 3(5)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**

### Data protection officer in the PIU

4.—(1) The PIU must appoint a data protection officer responsible for monitoring and implementing safeguards in relation to the processing of PNR data by the PIU.

(2) The PIU must provide the data protection officer with—

- (a) the means to perform the duties and tasks described in paragraph (1) effectively and independently, and
- (b) access to all data processed by the PIU.

(3) Where the data protection officer considers that the processing of any data by the PIU has not been in accordance with Part 3 of these Regulations, the data protection officer may refer the matter to the Commissioner.

### [<sup>F9</sup>Designated independent authority

4A.—(1) The Secretary of State must by direction designate a person as the designated independent authority in relation to the PIU.

(2) The person for the time being designated must be a person in relation to whom the Secretary of State is satisfied that the requirements of paragraph (3) are met.

(3) Those requirements are that the person—

- (a) does not carry out relevant PNR data processing,
- (b) acts independently of any person carrying out relevant PNR data processing, and
- (c) has sufficient expertise and knowledge and has had appropriate training to exercise the functions of the designated independent authority under these Regulations.

(4) In paragraph (3), relevant PNR data processing is processing of PNR data otherwise than in exercise of the functions of the designated independent authority under these Regulations.

(5) The PIU must make EU PNR data available to the designated independent authority for the purposes of the authority's functions under these Regulations.

(6) The designated independent authority may process EU PNR data for the purposes of exercising the authority's functions under these Regulations.]

### Textual Amendments

- F9** Reg. 4A inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 4** (with Sch. 2 para. 17, Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Passenger Name Record Data and Miscellaneous Amendments Regulations 2018, PART 2.