
STATUTORY INSTRUMENTS

2018 No. 598

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

PART 3

Processing of PNR data and protection of personal data

Processing of PNR data by the PIU

6.—(1) Where the information provided by an air carrier pursuant to a requirement under either of the provisions set out in regulation [F15(1)] includes F2... data other than PNR data, the PIU must delete the additional data F3... upon receipt.

(2) The PIU must not process PNR data except for one of the purposes described in paragraph (3) [F4, subject to regulation 4A(6)].

[F5(3) The purposes are—

- (a) preventing, detecting, investigating and prosecuting terrorist offences or serious crime, and
- (b) protecting the vital interests of persons.

(4) Where the PIU compares PNR data against a database, the PIU must ensure that the database is—

- (a) reliable and up to date, and
- (b) used for a purpose described in paragraph (3).]

(5) [F6Where the PIU processes PNR data against pre-determined criteria,] the PIU must ensure that the pre-determined criteria F7... are—

- (a) [F8reliable,] targeted, proportionate and specific;
- (b) set and regularly reviewed in cooperation with the UK competent authorities, and
- (c) not based on a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation.

[F9(5A) The PIU must not take any decision which produces an adverse legal effect on a person or otherwise significantly affects a person—

- (a) only by reason of the automated processing of PNR data, or
- (b) on the basis of any of the matters described in paragraph (5)(c) in relation to that person.]

F10(6)

F10(7)

F10(8)

(9) The PIU must not transfer [F11PNR information] to a UK competent authority [F12except where it does so on a case by case basis where it is satisfied that—

- (a) it is necessary to transfer that PNR information for a purpose described in paragraph (3); and
- (b) the UK competent authority has arrangements in place for the protection of personal data that are equivalent to the arrangements for the protection of personal data required of the PIU under these Regulations.]
- (10) The processing and analysis of PNR data by the PIU must be carried out exclusively within a secure location within the territory of the United Kingdom.

Textual Amendments

- F1** Word in reg. 6(1) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(2)(a)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F2** Word in reg. 6(1) omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(2)(b)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F3** Word in reg. 6(1) omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(2)(c)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F4** Words in reg. 6(2) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(3)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F5** Reg. 6(3)(4) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(4)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F6** Words in reg. 6(5) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(5)(a)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F7** Words in reg. 6(5) omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(5)(b)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F8** Word in reg. 6(5)(a) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(5)(c)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F9** Reg. 6(5A) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(6)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F10** Reg. 6(6)-(8) omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(7)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F11** Words in reg. 6(9) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(8)(a)** (with Sch. 6 para. 9); S.I. 2020/1662, **reg. 2(cc)**
- F12** Words in reg. 6(9) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(6)(b), **Sch. 2 para. 6(8)(b)** (with 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, Section 6.