

## SCHEDULES

### SCHEDULE 2

#### PASSENGER NAME RECORD DATA

##### PART 1

##### AMENDMENTS TO THE PNR REGULATIONS

13 After regulation 13 insert—

*“Use and transfer of EU PNR data by the PIU: further provision*

13A (1) The PIU may not use or transfer EU PNR data unless paragraph (2), (3), (4) or (5) applies.

(2) This paragraph applies where the PIU processes the EU PNR data for the purposes of security and border control checks.

(3) This paragraph applies if the designated independent authority has given consent for the use or transfer of the EU PNR data.

(4) This paragraph applies if the PIU considers that the use or transfer of the EU PNR data is necessary in an urgent case.

(5) This paragraph applies if the PIU considers that the use of the EU PNR data is necessary for the purpose of developing, or verifying the accuracy of, the pre-determined criteria referred to in regulation 6(5).

(6) Where the PIU—

- (a) uses EU PNR data as mentioned in paragraph (3) or (4), or
- (b) transfers EU PNR data to an EU PIU, Europol, Eurojust or a third country competent authority,

the PIU must notify the person to whom the data relates, so far as it is reasonably practicable to do so.

(7) Where the PIU transfers EU PNR data to a UK competent authority, the UK competent authority must notify the person to whom the data relates, so far as it is reasonably practicable to do so.

(8) A notification under paragraph (6) or (7) must—

- (a) be in writing,
- (b) be made within a reasonable period, and
- (c) provide information about the procedures available for seeking redress of any grievance relating to the use or transfer.

(9) A notification need not be made under paragraph (6) or (7) during any period when the PIU or the UK competent authority (as the case may be) considers

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**Changes to legislation:** There are currently no known outstanding effects for the European Union (Future Relationship) Act 2020, Paragraph 13. (See end of Document for details)

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that notifying the person would, or would be likely to, prejudice any ongoing investigations.

(10) Nothing in paragraphs (2) to (5) affects the operation of regulation 6(2).”

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**Commencement Information**

**I1** [Sch. 2 para. 13](#) in force at Royal Assent for specified purposes, see [s. 40\(6\)\(b\)](#)

**I2** [Sch. 2 para. 13](#) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1662](#), [reg. 2\(cc\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the European Union (Future Relationship) Act 2020, Paragraph 13.