

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the European Union (Future Relationship) Act 2020, Paragraph 14. (See end of Document for details)

SCHEDULES

SCHEDULE 2

PASSENGER NAME RECORD DATA

PART 1

AMENDMENTS TO THE PNR REGULATIONS

PROSPECTIVE

14 Before regulation 14 insert—

“Restricted EU PNR data: further provision

13B (1) For the purposes of this regulation, EU PNR data is “restricted EU PNR data” if it relates to a person arriving in the United Kingdom who—

- (a) is not a UK national, and
- (b) resides outside the United Kingdom.

(2) For the purposes of this regulation, restricted EU PNR data relating to a person is subject to deletion if—

- (a) the PIU, acting as such, knows that the person has left the United Kingdom, or
- (b) the period for which the person is permitted to stay in the United Kingdom has expired.

(3) But restricted EU PNR data is not subject to deletion—

- (a) if, on the basis of a risk assessment based on objectively established criteria, the PIU considers that retention of the restricted EU PNR data is necessary for the purpose described in regulation 6(3)(a), or
- (b) where the restricted EU PNR data is used in the context of specific cases for a purpose described in regulation 6(3).

(4) The PIU must permanently delete restricted EU PNR data that is subject to deletion as soon as possible.

(5) The PIU must ensure that the operation of paragraph (3)(a) is reviewed annually by the designated independent authority.

(6) In this regulation, “UK national” means—

- (a) a British citizen,
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has a right of abode in the United Kingdom, or

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- (c) a person who is a British overseas territories citizen by virtue of a connection to Gibraltar.”

Commencement Information

- II** [Sch. 2 para. 14](#) not in force at Royal Assent, see [s. 40\(7\)](#)

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