

SCHEDULES

SCHEDULE 2

PASSENGER NAME RECORD DATA

PART 1

AMENDMENTS TO THE PNR REGULATIONS

14 Before regulation 14 insert—

Restricted EU PNR data: further provision

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