PNR – are you ready?

By May 2018, passenger name records must be collected to help prevent and investigate crime. Despite the deadline looming, implementation is lagging

GDPR, European Union's General Data Protection Regulation (see an update on GDPR on page 16) is supplemented by a number of other pieces of data handling legislation. Among those is Directive (EU) 2016/681 (the Directive), which entered into force on 27 April 2016 and must be transposed into national law of EU member states by 25 May 2018. It enables the collection and use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. The contents of PNR (distinct from API data) are more expansive and have several processing-associated costs.

Member state implementation

In an endeavour to assist member states and given that some were lagging behind, the Commission issued an Implementation Plan on 28 November 2016 with six indicative milestones. As of December 2016, some member states have been proactive, with four having functional or almost functional PNR systems in place. Twelve member states were at various stages of completion of the technical infrastructure and adoption of a dedicated PNR legislation, and 11 member states were at the beginning of the transposition process and had yet to develop dedicated processing departments known as Passenger Information Units (PIU).

The six indicative milestones are as follows and the full working document is available on the ERA website at https://www.eraa.org/policy/security/advance-passenger-information-api-and-passenger-notifications-records-pnr:

I. Enacting legislation compliant with the PNR Directive.
II. Setting up a PIU.
III. Establishment of the technical solution for processing PNR data.
IV. Staffing the PIU.
V. Involvement of competent authorities.
VI. Ensuring carrier connectivity.

Further, The Council's Working Party on Information Exchange and Data Protection (DAPIX) began assessing progress with its internal security committee in December 2016 amid growing concern regarding inertia and resistance to the PNR Directive. DAPIX deals with the implementation of legislation and policies on the information exchange and protection of personal data in the field of law enforcement.

Airline concerns

The fact that some member states do not have PIUs set up to oversee the technical infrastructure is frustrating for airlines as it poses questions regarding software compatibility between the airline and that member state as well as compliance with the relevant standards, particularly when those standards have yet to be drafted.

However, it is for the member states to implement and with that in mind, airline operators should expect to be contacted soon in a coordinated fashion by the relevant authorities, bearing in mind there may be more than one authority requesting information.

It has also been noted where a PNR programme does exist, not all authorities are utilising the 'single window' approach, defined by ICAO as "a facility that allows parties involved in trade and transport to lodge standardised information and documents with a single entry point to fulfil all import and export and transit-related regulatory requirements". This, in turn, leads to multiple authorities from the same state requesting PNR data with no coordination. This is relevant as the cost burden for airlines increases by every additional push request. This is a cost that is not included in implementation or maintenance costs such as version updates. Operators must however also be prepared to share expertise as the authorities seek cooperation and ensure a continuous communication channel remains open while designing a feasible implementation plan. To that end, operators should receive technical requirements, agreement on implementation plans and specifications in a timely fashion.

Facing challenges together

There are recommendations to assist with the challenges ERA members will face, in the event they are not facing them already. For example, familiarisation with global standards, such as processes and message formats, will create a common language between airline operators and authorities. The IATA PNRGOV working group site gives further details to assist operators and member states. It is further recommended that a collaborative approach is adopted as the implementation of standards is in the interest of both the member state and the operator in terms of achieving compliance with the Directive.

ERA members are advised to be aware of the time it takes to implement a fully operational PNR system. From the development of IT data collection and processing along with IT provider identification to running live exercises in liaison with police and customs authorities, the process can take between 4–18 months. It is advisable not to underestimate the time it takes to install the connectivity links alone.

The PNR directive comes under the governance of DG HOME within the Commission. It is advised that members stay abreast of any developments of a policy nature and begin the required preparations as a matter of urgency. For challenges faced by member airlines, ERA will continue to engage with the European aviation community to identify areas where costs can be mitigated and coordination can be improved to best benefit its members. ∎

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