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Guidelines on Passenger Name Record (PNR) Data

**Approved by the Secretary General
and published under his authority**

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International Civil Aviation Organization



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FOREWORD

Note.— Throughout these guidelines, the use of the male gender should be understood to include male and female persons.

1. In the present climate of intensified security controls, it is recognized that modern facilitation tools such as machine readable passports (MRPs) and advance passenger information (API) systems enhance overall the security of international civil aviation. In recent years, the level of interest in using API as a security measure has increased. Some States have deemed it necessary, in order to combat terrorism and to protect their borders, to go beyond the API requirements and to require additional data relating to passengers to be stored in the reservation and other such systems of aircraft operators.

2. This issue of collection, by States, of Passenger Name Record (PNR) data was first raised in ICAO at the Twelfth Session of the Facilitation Division held in Cairo, Egypt, from 22 March to 1 April 2004. The Division adopted Recommendation B/5 that reads as follows:

It is recommended that ICAO develop guidance material for those States that may require access to Passenger Name Record (PNR) data to supplement identification data received through an API system, including guidelines for distribution, use and storage of data and a composite list of data elements [that] may be transferred between the operator and the receiving State.

3. In June 2004, pursuant to this recommendation, the Air Transport Committee requested the Secretary General to establish a Secretariat study group to develop guidelines on PNR data transfer. The Council, in endorsing Recommendation B/5, directed that these guidelines were to be submitted early in 2005.

4. The following States and international organizations nominated subject-matter experts to participate in the work of the study group that was subsequently established: Australia, Austria, Brazil, Canada, France, Germany, Japan, Kenya, New Zealand, Nigeria, Switzerland, United Kingdom and United States and the European Commission (EC), the Organisation for Economic Co-operation and Development (OECD) and the International Air Transport Association (IATA). Additional comments were submitted by the following members of the Air Transport Committee: Chile, Lebanon, and the Republic of Korea. While the guidelines were being developed, informal comments were received from the Netherlands. The Association of European Airlines (AEA) submitted a "position paper". The work of the group was conducted over a secure ICAO website set up especially for this purpose, and by email.

5. In March 2005, the ICAO Council adopted the following Recommended Practice for inclusion in Annex 9 to the Chicago Convention — *Facilitation*:

Recommended Practice.— *Contracting States requiring Passenger Name Record (PNR) access should conform their data requirements and their handling of such data to guidelines developed by ICAO.*

In June 2005, these guidelines were submitted to the Air Transport Committee.



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INTRODUCTION

1. Under Article 13 of the Convention on International Civil Aviation (Chicago Convention, 1944), the laws and regulations of a Contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with, by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.
2. Consequently, a State has discretion over the information it requires relating to persons wishing to gain entry into its territory.
3. A State may require aircraft operators operating flights to, from or in transit through airports within its territory to provide its public authorities, upon request, with information on passengers, such as Passenger Name Record data.
4. In this regard, the General Principles set out in Chapter 1 of Annex 9 — *Facilitation* require Contracting States to take necessary measures to ensure that:
 - a) the time required for the accomplishment of border controls in respect of persons is kept to the minimum;
 - b) minimum inconvenience is caused by the application of administrative and control requirements;
 - c) exchange of relevant information between Contracting States, operators and airports is fostered and promoted to the greatest extent possible; and
 - d) optimal levels of security, and compliance with the law, are attained.
5. The Principles also require Contracting States to develop effective information technology to increase the efficiency and effectiveness of their procedures at airports.
6. Finally, the Principles specify that the provisions of Annex 9 shall not preclude the application of national legislation with regard to aviation security measures or other necessary controls.

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