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ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 16: Facilitation and Machine Readable Travel Documents

PASSENGER DATA AND BORDER CONTROL

(Presented by the International Air Transport Association (IATA))

EXECUTIVE SUMMARY
A growing number of States are requesting that airlines transmit passenger data such as Advance Passenger Information (API) and Passenger Name Record (PNR) electronically for the purposes of border control and security. Often, these requests do not follow the standards and guidelines established by ICAO, the World Customs Organization (WCO) and IATA. Non-standard requirements affect not only States, but also airline operations and the travel experience of passengers. In paragraph 2, this paper discusses possible reasons for the low level of compliance with Annex 9 provisions and international guidelines on passenger data, and suggests in paragraph 3 a number of avenues for increasing awareness and compliance. **Action**: The Assembly is invited to: a) request States to raise awareness amongst immigration and border control authorities of ICAO Standards and Recommended Practices (SARPs) and guidance material dealing with passenger data; and b) request ICAO to consider extending its auditing of Annex 9 provisions to include all API and PNR-related SARPs.

Strategic Objectives:	This working paper relates to Strategic Objectives B — Security and C — Environmental Protection and Sustainable Development of Air Transport.
Financial implications:	No additional resources required.
References:	Annex 9 — *Facilitation*

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[1] Arabic, Chinese, French, Russian and Spanish versions provided by IATA.

1. **STATES AND INDUSTRY BOTH SUFFER FROM INCONSISTENT PASSENGER DATA REQUIREMENTS**

1.1   By 2016, airlines will transport 800 million more people than they did in 2011, reaching a total of 3.6 billion passengers. Keeping borders secure while limiting costs will be a growing challenge. To do this, more and more States are turning towards passenger data such as Advance Passenger Information (API) and Passenger Name Record (PNR). API and PNR can provide an efficient and effective way to acquire and pre-assess traveler information for immigration, customs and/or security purposes, but it involves systems that are in the airlines' possession. IATA and its members understand the need for electronic transmissions to States to expedite passenger flows, and are cooperating with public authorities to meet their legitimate border control needs.

1.2   Cooperation between ICAO, WCO and IATA has helped achieve a strong global framework for data transmission. A number of dedicated SARPs now exist in Annex 9[2], as well as solid and extensive guidelines for API[3] and PNR[4].

1.3   Currently, 49 countries ask to receive API, and 10 have similar requests in the pipeline. 16 countries require access to PNR data today, with another 29 due to follow suit. Unfortunately, the requirements in many of these countries do not comply with international Standards and guidelines.

1.4   Non-standard passenger data requirements affect all parties. For States interested in passenger data, non-standard requests often lead to delays in compliance by the industry, or to actual flight delays when non-standard information must be manually captured. For the airlines, non-standard requests consume unnecessary time and resources, as available data needs to be modified to new systems and individual authorities' needs. In addition, airlines become liable when complying with non-standard requests which contradict national laws on data privacy of other States. This in turn affects those States and their citizens.

1.5   ICAO Assembly working paper no. 3 (A38-WP/3) "Developments pertaining to Annex 9 — *Facilitation*" confirms the issue of lack of compliance with Annex 9 SARPs, which leads the ICAO Secretariat to suggest identifying the reasons and developing strategies to assist States compliance. This paper offers a few proposals in this regard, focusing on the specific item of passenger data which is a growing concern for IATA's member airlines.

2. **IDENTIFYING REASONS FOR NON-COMPLIANCE**

2.1   IATA sees two main reasons for the difficulty in reaching a consistent approach to passenger data transmission:

> a) **the standards and guidelines may not be known** when dealt with by authorities which sit outside of civil aviation and transport, such as immigration, customs and police. The complexity and variety of States' structures with regards to border control make it difficult to devise a way to efficiently collect passenger data. It also makes it difficult for air carriers to become aware of the exact requirements. The

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[2] Including Annex 9, Standard 3.47: "Each Contracting State that introduces an Advance Passenger Information (API) system under its national legislation shall adhere to international recognized standards for the transmission of Advance Passenger Information."
[3] WCO/IATA/ICAO Guidelines on Advance Passenger Information, 2010
[4] ICAO Doc 9944, Guidelines on Passenger Name Record (PNR) Data

37th Assembly has noted that cooperation amongst Contracting States and with various parties "has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry[5]"; and

b) **a second reason may be that guidelines are not enforceable**, and even the relevant ICAO Standards are, often, disregarded. A State letter was issued in December 2011[6] reminding all States to ensure that systems adhere to international recognized standards, yet we continue to witness a multitude of non-standard programs. IATA welcomes the fact that several Annex 9 SARPs are audited under ICAO's Universal Security Audit Programme (USAP)[7]. A global audit covering Facilitation can be a powerful tool to help identify deficiencies and offer recommendations for resolution. However, only one of the nine passenger data related SARPs in Annex 9 is included in the scope of USAP today.

3. **DEVELOPING STRATEGIES TO FACILITATE COMPLIANCE AND STANDARDIZE PASSENGER DATA REGIMES**

3.1   The aforementioned situation provides an opportunity to launch a **global awareness campaign on passenger data**:

a) IATA, ICAO and WCO plan to develop a multimedia Toolkit which will be available online and present the main concepts behind passenger data, including its benefits, airlines' capabilities, transmission formats, data elements and key principles such as data privacy; and

b) a series of "API-PNR Days" will be organized in all regions and in various languages to promote the Toolkit and allow theoretical presentations and practical discussions on the challenges of developing efficient passenger data programs.

3.2   **New procedures and systems** should be put in place to systematically identify non-conformity with global standards and trigger assistance mechanisms:

a) IATA, ICAO and WCO should consider developing a global Passenger Data Registry. The registry would allow any public authority to notify in one single place all interested organizations, foreign States and airlines of its intention to adopt a new passenger data program. Following this, the relevant global Standards and Guidelines would automatically be sent by the Registry to the notifying State. Above all, the Registry would allow airlines to set up for early implementation, and would allow organizations and foreign States to get in contact to flag possible conflicts with applicable legislation, such as data privacy laws;

b) ICAO's Universal Security Audit Programme should consider extending its auditing of Annex 9 provisions to all API and PNR-related SARPs (Standards 3.47.1 to

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[5] Consolidated statement of continuing ICAO policies in the air transport field (A37-20)
[6] State Letter EC6/3-11/76
[7] The SARPs considered as "security aspects of Facilitation" and audited under the USAP today are 8.17, 8.20, 3.11, 3.9, 3.31, 3.46, 5.19, 3.7, 4.43, 3.33, 5.19, 4.7, 3.8, 3.10, 3.47, 3.67. Only 3.47 deals with passenger data, and only with API.

3.47.7, and Recommended Practice 3.48), and provide more visibility to other States on the level of compliance; and

c) IATA would be available to join ICAO and WCO to set up a mechanism to further assist States in adopting standard API and PNR programmes.

4. **LOOKING INTO DIFFERENT WAYS TO TRANSMIT DATA IN THE FUTURE**

4.1   A group consisting of IATA member airlines, government representatives, industry suppliers, as well as airline and airport associations has launched a reflection on the future of passenger data collection and transmission called "Vision 2020".

4.2   The Vision 2020 group is taking a green field approach and looking at new, innovative ways to collect, store and transmit passenger data in the next years. The initiative aims to develop an efficient, globally harmonized and cost-effective framework for utilizing passenger related data between passengers, airlines and governments. One of the objectives will be to reduce the need for airlines to send the same personal or travel data to different agencies, different states, at different times and in different formats.

4.3   So far the group has agreed on a Vision statement as well as key principles and will use those to develop a high level Strategy and Roadmap before the end of 2013. The group encourages States and other aviation stakeholders to contact secfal@iata.org to receive updates on the progress of work.

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