International Civil Aviation Organization
ICAO South American Regional Office
Fourteenth Meeting of the Civil Aviation Authorities of the SAM Region (RAAC/14)
(Santiago, Chile, 27, 28 and 30 October 2015)

Agenda Item 3:   **Review of results obtained in the SAM Region on security matters**

c)   **FAL Activities in the Region**

PASSENGER DATA (API / PNR)

(Presented by the International Air Transport Association)

SUMMARY
Adoption of passenger data programs is accelerating. This paper highlights the critical need for States to work collaboratively with industry to align passenger data programs with global Standards and Recommended Practices (SARPs) and guidelines, following a number of key principles described below, requiring both international and inter-agency cooperation. Passenger data programs can greatly impact airlines operations and costs. At the same time, these enhance facilitation as well as the travel experience for passengers. This paper highlights the importance for States to follow Annex 9 SARPs as well as some key principles such as States´ responsibility for funding.
References: WCO/IATA/ICAO Guidelines on Advance Passenger Information (API)   ICAO DOC 9944, Guidelines on Passenger Name Record (PNR) Data
***ICAO Strategic Objectives*:**   *C - Environmental Protection and Sustainable Development of Air Transport*

1.   **Introduction**

1.1   There are two main types of passenger data that can be sent electronically by airlines to States: Advance Passenger Information (API) and Passenger Name Record (PNR) data. API consists of biographical information contained in the Machine-Readable Travel Document. It can be sent to States either as a collective whole in a batch transmission or in real time during check-in as interactive API (iAPI). PNR data consists of passenger´ bookings and itineraries which reservation systems capture during business processes. The two sets of data fulfil very different functions: API has particular value for matching traveller identifies against watch-lists, including INTERPOL databases, and thus helps States to identify people they know about, whereas PNR data is unverified, can contain very little information as well as privacy sensitive information and can potentially provide information to identify people and trends Governments did not know about, such as suspicious travel patterns or relationships.

1.2   API and PNR are covered respectively in ICAO Annex 9 – Facilitation´s Standard 3.46 and Recommended Practice 3.47, and form part of the "security-related" provisions which are audited as part of ICAO´s USAP and USAP-CMA. These SARPs do not oblige States to adopt passenger data programs; however, they do require and recommend (in the case of PNR) that States wishing to adopt such a program follow global practices and guidelines.

1.3   In addition, a recent UN Security Council Resolution 2178 (2014) *"Calls upon* Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions."

2.   **Ensuring Alignment with Annex 9 SARPs**

2.1   As API and PNR can contribute to effective border management, passenger data programs are proving very popular worldwide: IATA maintains a restricted online platform called "API-PNR World Tracker" which estimates that as of 1 October 2015:

- 74 States have an API program in place or authorized by law, including 14 with an interactive form of API (iAPI); 32 more States at least are planning to adopt an API or iAPI in the near future;

- 32 States have a PNR program in place or authorized by law, and 30 more are planning to introduce on in the near future.

2.2   Unfortunately, reports from the USAP first two cycles of audit reveal that the "security-related" SARPs in Annex 9 are among the lowest levels of Effective Implementation. This shows that much work remains to be done in ensuring understanding and alignment with the global provisions.

2.3   Airlines have an obvious interest in ensuring that States' API and PNR programs do not create undue operational issues or an excessive financial burden. ICAO is clear in stating through Standard 3.46.1, that collection of data not available in machine readable form in the travel documents should be avoided as they are not part of the regular business process. For example, requests for API data outside of the standards, such as destination address, require manual capture by check-in agents can add up to 30 seconds per passenger at check-in – contradicting industry efforts made to accelerate passengers' journey. This is why IATA, with the support of ICAO and the World Customs Organization (WCO), has led an awareness campaign in the last 2 years through a series of regional Workshops and publication of an online educational Passenger Data Toolkit (http://www.iata.org/iata/passenger-data-toolkit/index.html). IATA and our member airlines stand ready to provide assistance to requesting States, as we have done with many States already.

3.   **Key Principles**

As new States start considering adopting a passenger data program, or different agencies within a State may consider requesting passenger data as different programs, the following principles are worth remembering:

3.1   Alignment with global standards: Annex 9 Standard 3.46 requires that "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." In referring to transmission, UN EDIFACT PAXLST message standard is to be adopted as the unique method of transmission by aircraft operators to the border control agencies in the destination or departure country.

3.2   Machine-readable API data elements only: Annex 9 Standard 3.46.1 requires that "Contracting States shall require only data elements that are available in machine readable form in travel

documents […]. All information required shall conform to specifications for UN/EDIFACT PAXLST messages found in the WCO/IATA/ICAO API Guidelines."

3.3   Limited impact on operations: Annex 9 RP 3.46.4 Recommended Practice recommends that "Contracting States should seek to minimize the number of times API data is transmitted for a specific flight"; while Standard 3.46.5 requires that they "seek, to the greatest extent possible, to limit the operational and administrative burdens on aircraft operators, while enhancing passenger facilitation."

3.4   Single window: Implementing Passenger Data exchange programs have a significant cost, both for the government and for airlines flying to and from the requesting State. As passenger data exchange serves the common national interest, the State should adopt a common API and/or PNR mandate that serves the needs of all agencies, and agree on a single agency to primary data receiver, which would then be obliged to share that data with all other agencies having a legal interest in that material. This is known as the **"Single Window"** concept, and has been embraced by the WCO.

3.5   Funding responsibility: Border management and border security are State responsibilities. Airlines invest significant resources to format and transmit passenger data to border control authorities; the receiving and processing of this data should be funded by States and not the airlines or passengers. As per ICAO's policies on charges in Doc 9082, airlines and their passengers should not be charged for any costs that would be incurred for more general security functions performed by States (para 7 of Section II refers). The imposition of additional charges directly impacts the competitiveness of the tourism industry and business development of the destination country. Unfortunately, the last couple of years have seen an increase in charges being levied to recover the costs of States' programs – usually interactive API. Very often, these charges are excessive multiplied by the millions of passengers entering these States each year. Border management and border security are State responsibilities and should be funded accordingly.

4.   **Action**

4.1   The Group is invited to:

   a)   Invite States to review their existing or intended passenger data programs to ensure they are aligned with Annex 9 SARPs and fit-for-purpose;

   b)   Invite States to set up regular consultation with the airline industry, either within the respective National Air Transport Facilitation Committee (NATFC) or by liaising with IATA;

   c)   Strongly encourage States to observe ICAO's policies on charges in Doc 9082 and fund the transmission and processing of passenger data through Government funding as indicated in paragraph 3.5;

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