

**[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]**

**Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes and Customs)**

Notification No. 67/2022 – Customs (N.T.)

New Delhi, the 8th August, 2022

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) read with clause (ab) of sub-section (2) of section 157 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes and Customs hereby makes the following regulations, namely:-

1. Short title and commencement.- (1) These regulations may be called as the Passenger Name Record Information Regulations, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these regulations, unless the context otherwise requires,-

(a) "Act" means the Customs Act, 1962 (52 of 1962);

(b) "aircraft operator" means a person or organization or enterprise engaged in or offering to engage in the operation of aircraft other than,-

(i) a "State aircraft" as defined in the Aircraft Rules, 1937; or

(ii) an aircraft, which is used for the transportation of passengers or goods by air, and specifically excluded for the purposes of these regulations by an order of the Board; to, from, or through India;

(c) "authorized agent" includes a person who is authorized by, or on behalf of such aircraft operator to undertake all acts connected with the entry and clearance of the operator's aircraft, crew, passengers, cargo, mail, baggage (including unaccompanied baggage) or stores;

(d) "crew member" means a person assigned on duty onboard an aircraft;

(e) "Departure Control System" means the system, containing check-in information such as seat number and baggage information, used to check passengers onto flights;

(f) "international flight" means a flight,-

(i) from a place within India to a place outside India; or

(ii) from a place outside India to a place within India;

(g) "National Customs Targeting Centre-Passenger" means National Customs Targeting Centre-Passenger referred to under regulation 3;

(h) "passenger" includes any person, other than crew member, in transfer or transit, carried or to be carried, in an aircraft on an international flight, with the consent, such consent being manifested by that person's registration in the passengers list, of the aircraft operator;

(i) "reservation system" means the aircraft operator's internal system, in which passenger name record information are collected for the purpose of reservations;

(j) "time of departure" or "departure time" means the time of take-off from the last point of embarkation of persons or goods before the aircraft arrives in India or the time of take-off from India, as the case may be, in the case of an aircraft which carries persons or goods;

(2) The words and expressions used herein and not defined in these regulations but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. National Customs Targeting Centre-Passenger.- The National Customs Targeting Centre-Passenger established by the Board to receive and process passenger name record information along with any other information relevant for risk analysis of passengers for the purpose of,-

(a) the prevention, detection, investigation and prosecution of offences under the Act and the rules and regulations made there under, or

(b) the law enforcement agencies or government departments of India or any other country may specify for the purposes of regulation 10.

4. Registration of aircraft operator.- Every aircraft operator shall register with the proper officer in the FORM as per **Annexure-I** to these regulations.

5. Transmission of passenger name record information.- (1) Every aircraft operator shall transfer the passenger name record information, as per list in **Annexure -II** to these regulations, of passengers they have already collected such information in the normal course of business operations, to the designated Customs systems by push method using PNRGOV EDIFACT message format.

(2) The aircraft operator where the flight is code-shared to any other aircraft operator shall transfer the information specified in sub-regulation (1).

(3) In the event of technical failure, passenger name record information shall be transferred by any other appropriate means, as may be directed by the National Customs Targeting Centre-Passenger, ensuring an appropriate level of information security.

(4) Every aircraft operator shall transfer passenger name record information not later than twenty four hours before the departure time; or at the departure time - wheels off.

Explanation,- For the purpose of this regulation,-

(a) "PNRGOV EDIFACT" means a message of any standard electronic message format endorsed jointly by World Customs Organisation, International Civil Aviation Organisation and International Air Transport Association which can be efficiently transmitted;

(b) "push method" means the method whereby an aircraft operator transfers passenger name record information from the departure control system or the reservation system of such aircraft operator to database of the National Customs Targeting Centre-Passenger.

6. Supply of missing information, if any.- (1) Every aircraft operator or its authorised agent who becomes aware, before or at the time of departure, that any information provided by them under these regulations is incomplete or inaccurate, shall immediately provide such complete or accurate information in the manner as specified in regulation 5.

7. Privacy and protection of information.- (1) The passenger name record information received by Customs designated system shall be subject to the strict information privacy and protection in accordance with the provisions of any law for the time being in force.

(2) Processing of passenger name record information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation, shall not be permitted.

(3) The passenger name record information shall be received, stored, processed and disseminated in a secure system accessible only to the duly authorized officers by establishing robust procedure to protect the privacy of passengers and crew members by the National Customs Targeting Centre-Passenger.

8. Period of retention of data.- (1) The passenger name record information received in Customs designated system shall be retained for a maximum period of five years from the date of such receipt:

Provided that the provisions under this sub-regulation shall not be applicable, if such information is required in the course of an investigation, prosecution, or any court proceeding.

(2) After expiry of five years specified under sub-regulation (1), it shall be disposed of by depersonalisation or anonymisation through masking out the relevant information which can serve to identify directly the passenger to whom the passenger name record information relates:

Provided that such depersonalised or anonymised information may be repersonalised or unmasked when used in connection with an identifiable case, threat or risk for the specified purposes:

Provided further that the information received may be used for further analysis and study only by an authorized officer not below the rank of Principal Additional Director General or Additional Director General of the National Customs Targeting Centre-Passenger.

9. Audit.- There shall be an extensive independent system audit and security audit on annual basis, to prevent any misuse of the passenger name record information by an officer of the rank of Principal Additional Director General or Additional Director General of the National Customs Targeting Centre-Passenger appointed by the Director General of Analytics and Risk Management:

Provided that the said officer shall not carry out both the system audit and security audit.

10. Sharing of information with other law enforcement agencies or foreign states.- When passenger name record information relates to any offence, under any law for the time being in force, at national or international level, the National Customs Targeting Centre-Passenger, may share the relevant information on a case-to-case basis with other law enforcement agencies or government departments of India or any other country.

Provided that sharing of such relevant passenger name record information with other law enforcement agencies or government departments of India or any other country shall be subject to maintenance of same level of information privacy and protection of information and safeguards:

Provided further that such other law enforcement agencies or government departments of India or other countries shall, while seeking information, specify the purpose for which such information is being sought.

11. Penalty.- Without prejudice to any other action that may be taken against an aircraft operator or his authorised agent under the provisions of the Act, or any other law for the time being in force, the Principal Additional Director General or Additional Director General of the National Customs Targeting Centre-Passenger, may impose a penalty which shall not be less than twenty five thousand rupees but not more fifty thousand rupees, for each act of non-compliance, on an aircraft operator or his authorised agent who contravenes or fail to comply with any provisions of these regulations.

Annexure-I
[See regulation 4]

FORM

Application Form for Registration

1. Name of applicant with detail Permanent Account Number (PAN): -
(In case the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the company as the case may be)
2. Full address of the applicant: -
(In case the applicant is a firm or a company, the full address of each of the partners of the firm or the directors of the company as the case may be)
3. The name(s) and address of the authorised persons: -
(In case the applicant is a firm or a company, the name(s) of its partner or partners or director or directors or duly authorised employees who will actually be engaged in the work of filing PNR Information).
4. Educational qualification of each of the persons who will actually be engaged in the filling of PNR information.
5. The enclosures: -
 - (a). Copy of contract, or
 - (b). Memorandum of understanding, or
 - (c). Agreement entered into with the foreign authorizing agent.

I/We hereby declare that the contents of the above paragraphs are true to the best of my/our knowledge.

Date:

Place:

Signature of the applicant(s)

Annexure-II
[see regulation 5]

List of passenger name record information fields

1. PNR record locator code.
2. Date of reservation/issue of ticket.
3. Date(s) of intended travel.
4. Name(s).
5. Available frequent flyer and benefit information (i.e., free tickets, upgrades, etc.).
6. Other names on PNR, including number of travellers on PNR.
7. All available contact (email, telephone number, mobile number information (including originator of reservation)).
8. All available payment/billing information (e.g. credit card number).
9. Travel itinerary for specific PNR.
10. Travel agency/travel agent.
11. Code share information (e.g., when one air carrier sells seats on another air carrier's flight).
12. Split/divided information (e.g., when one PNR contains a reference to another PNR).
13. Travel status of passenger (including confirmations and check-in status).
14. Ticketing information, including ticket number, one-way tickets and Automated Ticket Fare Quote (ATFQ) fields.
15. Baggage information.
16. Seat information, including seat number.
17. General remarks including Other Service Indicated (OSI), Special Service Indicated (SSI) and Supplemental Service Request (SSR) information.
18. Any collected APIS information (e.g., Advance Passenger Information (API) that is initially captured by an air carrier within its PNR, such as passport number, date of birth and gender).
19. All historical changes to the PNR listed in numbers 1 to 18.

[F. No. CBIC-21/90/2022-INV-CUSTOMS-CBEC]


8/8/22

Dr. Raji N.S.
Under Secretary (Anti-Smuggling Unit).