

Govt makes it must for aircraft operators to share details on international air travellers to & from India

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NEW DELHI: Aircraft operators are now required to share all travel-related information about passengers who are going to travel in and out of India at least 24 hours before their flight departure time.

This information will have to be shared with Central Board of Indirect Taxes and Customs (CBIC)-established agency, National Customs Targeting Centre-Passenger (NCTC-P) for conducting of “risk analysis of passengers”. This will serve 2 purposes: Firstly, for prevention, detection, investigation and prosecution of offences under the Act. Secondly, for law enforcement agencies and government departments, as required, in India and abroad.

CBIC, which comes under Union finance ministry, issued a gazette notification on Monday (August 8) titled 'Passenger Name Record Information Regulations, 2022' and is effective from that date.

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Every aircraft operator is now required to register and provide passenger details in a prescribed format to NCTC-P “not later

than twenty four hours before the departure time; or at the departure time - wheels off,” says the notification.



Passenger name record info to include:

- PNR record locator code
- Date of reservation/issue of ticket
- Date(s) of intended travel
- Name(s)
- Available frequent flyer and benefit information (i.e., free tickets, upgrades, etc)
- Other names on PNR, including number of travellers
- All available contact (email, telephone number, mobile number information - including originator of reservation)
- All available payment/billing information (e.g. credit card number)
- Travel itinerary for specific PNR
- Travel agency/travel agent
- Code share information (e.g., when one air carrier sells seats on another air carrier's flight)
- Split/divided information (e.g., when one PNR contains a reference to another PNR)
- Travel status of passenger (including confirmations and check-in status)
- Ticketing information, including ticket number, one-way tickets and Automated Ticket Fare Quote (ATFQ) fields
- Baggage information
- Seat information, including seat number
- General remarks including Other Service Indicated (OSI), Special Service Indicated (SSI) and Supplemental Service Request (SSR) information
- 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)
- All historical changes to the PNR listed above



This passenger name record information will include details like PNR; date of reservation and issue of ticket; available frequent flyer and benefit information (like free tickets, upgrades); all available payment/billing information (like credit card number); travel itinerary for specific PNR; travel agency/travel agent.

The notification further said that the passenger details will also include “split/divided information (when one PNR contains a reference to another PNR); ticketing information, including ticket number, one-way tickets; baggage information; seat number; any collected advance passenger information that is initially captured by an air carrier within its PNR, such as passport number, date of birth and gender) and all historical changes to the PNR.”

“NCTC-P to receive and process passenger name record information along with any other information relevant for risk analysis of passengers for the purpose of - (a) prevention, detection, investigation and prosecution of offences under the Act and the rules and regulations made there under, or (b) law enforcement agencies or government departments of India or any other country may specify for the purposes of regulation 10,” the notification added.

Regulation 10 of this gazette titled 'sharing of information with other law enforcement agencies or foreign states' said: “When passenger name record information relates to any offence, under any law for the time being in force, at national or international level, the NCTC-P, 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.... subject to maintenance of same level of information privacy and protection of information and safeguards... 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.”

The notification said this information received “shall be subject to the strict information privacy and protection in accordance with the provisions of any law for the time being in force.”

“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,” it said.

The new rule provides for an extensive independent system audit and security audit on annual basis, to prevent any misuse of the passenger name record information.

Aircraft operators not providing this data can be fined a minimum of Rs 25,000.

Abhishek Jain, KPMG India partner (indirect tax), said: “The government has come up with Passenger Name Record Information Regulations 2022. The objective of said regulations is to obtain relevant passenger data for risk analysis to proactively prevent, detect, investigate or prosecute offences under the Customs law or any other domestic or international law. The onus of timely collecting and sharing such information has been put on the airline operators. Further, while strict privacy guidelines have been stipulated under the said regulations, the Government should ensure that the same are duly enforced to prevent unauthorised usage.”