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BARBADOS

A Bill entitled

An Act to make provision for the collection, transmission, sharing, storage and regulation of Advance Passenger Information and Passenger Name Records.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Advance Passenger Information and Passenger Name Record Act, 2026*.

Interpretation

2. In this Act,

“advance passenger information” or “API” means

- (a) a set of data detailing information concerning an aircraft or a vessel;
- (b) information concerning a passenger and crew member, or any other person travelling in an aircraft or a vessel as set out in the *Fourth Schedule*; and
- (c) embarkation and disembarkation data as set out in the *Fourth Schedule*;

“Advance Passenger Information and Passenger Name Record database” or “API, PNR database” means the database managed by the JRCC under the authority of IMPACS for the storage, management, and analysis of API and PNR data;

“agent” means a person who is authorised, in writing, by the owner, captain or master of an aircraft or a vessel to perform a function under this Act on behalf of the owner, captain or master;

“aircraft” includes an aeroplane, a helicopter, or other means of airborne navigation by means of which persons, goods or both travel across international borders;

- “anonymisation of PNR data” means the process of removing or encrypting personally identifiable information from the PNR record;
- “API hit” means a name or travel document present in the Watch List System;
- “Associate Member State” means a Caribbean State or Territory admitted by the Conference of Heads of Government to associate membership of the Caribbean Community pursuant to Article 231 of the Revised Treaty;
- “automated processing of data” means the utilisation of authorised applications, software or systems to analyse, screen and compare data against Watch Lists and other predetermined criteria with no human involvement in the subsequent decision-making process;
- “captain” means the owner of an aircraft, the pilot of an aircraft so designated by the operator, or the person being in command and charged with the safe conduct of the flight;
- “CARICOM” means the Caribbean Community established by Article 2 of the Revised Treaty;
- “CARICOM Advance Passenger Information System” or “CARICOM APIS” means
- (a) the CARICOM Electronic Manifest Single Window (CEMSIW) when used for Advance Passenger Information and Passenger Name Record data interchange; and
 - (b) the Advance Passenger Information and Passenger Name Record database, managed by the JRCC under the authority of IMPACS;
- “CARICOM Council for Security and Law Enforcement” or “CONSLE” means the Organ of CARICOM incorporated under Article V of the Protocol Amending the Revised Treaty of Chaguaramas to Incorporate the Council for National Security and Law Enforcement (CONSLE) as an Organ of the Community and the CARICOM Implementation Agency for Crime and Security (IMPACS) as an institution of the Community signed at Placencia, Belize on 16th February, 2016;

“CARICOM Electronic Manifest Single Window” or “CEMSIW” means the electronic window used for the submission or transmission of API, PNR and other information required to be submitted or transmitted under this Act;

“CARICOM Member State” means a State listed in Article 3, paragraph 1 of the Revised Treaty;

“Chief Immigration Officer” means the person appointed as such under section 13 of the *Public Service Act*, Cap. 29;

“commercial aircraft” means an aircraft which engages in transporting passengers or goods for monetary gain;

“commercial vessel” means a vessel which engages in transporting passengers or goods for monetary gain;

“competent authority” means the authority in a Participating State who is responsible for the administration of CARICOM APIS;

“Convention on Facilitation of International Maritime Traffic” or “FAL Convention” means the convention, adopted on 9th April, 1965 and entered into force on 5th March, 1967;

“crew member” or “crew” means

- (a) in relation to an aircraft, any individual charged with performing duties essential to the operation of an aircraft during flight, including landing or take-off; and
- (b) in relation to a vessel, any individual charged with performing duties essential to the operation of the vessel and the safety and well-being of its passengers or cargo during a journey;

“data processing”

- (a) means any operation or set of operations performed on API or PNR data for the purpose of enhancing border security, immigration control, customs clearance, and other law enforcement purposes; and

- (b) includes the collection, analysis, recording, organisation, storage, adaptation, or alteration, calling-up, retrieval, consultation, use, transfer, dissemination or otherwise making available, alignment or combination, blocking, erasure, or destruction of API or PNR data;

“Data Protection Officer” means an officer who has been designated under section 5;

“Departure Control System” means the system used to

- (a) support pre-flight or pre-voyage processes, including checking in of passengers onto aircraft or vessels; and
- (b) streamline the departure process, ensure regulatory compliance, and enhance security measures by effectively handling API and PNR data;

“depersonalisation of PNR data” means the masking of information that enables direct identification of an individual, without hindering the use of PNR data by law enforcement agencies and entities;

“embarkation and disembarkation data” means the information set out in the *Fourth Schedule* in relation to a passenger, crew member, or any other person travelling in an aircraft or vessel and who is expected to embark or disembark in Barbados;

“IATA” means the International Air Transport Association founded in Havana, Cuba, on 19th April, 1945;

“ICAO” means the International Civil Aviation Organisation which was formed as a result of the Convention on International Civil Aviation also known as the “Chicago Convention” signed on 7th December, 1944;

“immigration officer” includes the Chief Immigration Officer, the Deputy Chief Immigration Officer, an Assistant Chief Immigration Officer and a Senior Immigration Officer and any other officer authorised to act as such by the Chief Immigration Officer;

“IMO” means the International Maritime Organisation which was formerly the Inter-Governmental Maritime Consultative Organisation established by a

convention adopted in Geneva in 1948 for the purpose of effectively promoting maritime safety;

“IMPACS”

(a) means the Implementation Agency for Crime and Security established as an Institution of CARICOM under Article VII of the Protocol Amending the Revised Treaty of Chaguaramas to Incorporate the Council for National Security and Law Enforcement (CONSLE) as an Organ of the Community and the CARICOM Implementation Agency for Crime and Security (IMPACS) as an institution of the Community signed at Placencia, Belize on 16th February, 2016; and

(b) includes its sub-agencies

(i) the Joint Regional Communication Centre (JRCC); and

(ii) the Regional Intelligence Fusion Centre (RIFC);

“INTERPOL” means the International Crime Police Organisation established by the Constitution of the International Criminal Police Organization-INTERPOL adopted by the United Nations General Assembly at Vienna, Austria in 1956;

“JRCC” means the Joint Regional Communications Centre which is a sub-agency of IMPACS;

“master” includes a person having command or charge of a vessel other than a pilot;

“Minister” means the Minister responsible for national security;

“national border security” means the protection of national borders from the illegal movement of weapons, drugs, contraband, and people, while facilitating lawful trade and travel;

“operating carrier” means the air carrier having operational control of an aircraft used for a codeshared flight;

“Participating State” means a CARICOM Member State and an Associate Member State that utilises CARICOM APIS to support the processing and analysis of passenger and crew data and the transmission, collection, processing, and screening of API and PNR data;

“passenger” means a person not being a *bona fide* crew member, travelling or seeking to travel on an aircraft or vessel;

“Passenger Information Unit” or “PIU” means the unit established under section 6;

“Passenger Name Record” or “PNR” means the record created by aircraft or vessel operator or their agents, for each voyage or flight booked by or on behalf of any passenger in the reservation system, Departure Control System or equivalent system as set out in the *First Schedule*;

“personal data” means all information that can be used to identify a natural person;

“PNR data transfer” means the transfer of PNR data to the Immigration Department and IMPACS *via* the CEMSIW managed by IMPACS in the format set out in the *First Schedule*;

“PNRGOV message” means the standard electronic message format jointly endorsed by the World Customs Organization, International Civil Aviation Organisation and International Air Transport Association used by an aircraft and a vessel to submit PNR data;

“positive match” means the matching of personal or document data of an individual resulting from a comparison, whether naturally or by means of any electronic or other device, between any personal data of the individual, or between any document used by an individual for purposes of travel, against authorised databases and Watch Lists for the purposes of the implementation of this Act;

“push method” means the method used for the transfer of PNR data from the airlines, vessels, or transportation operators to the Immigration Department and IMPACS *via* the CEMSIW;

- “private aircraft” means an aircraft which is not a commercial aircraft or state aircraft;
- “private vessel” means a vessel which is not a commercial vessel or a state-owned vessel;
- “Regional Data Protection Officer” means the individual, appointed by the Executive Director of CARICOM IMPACS, who is responsible for overseeing adherence to data protection standards during the course of cross-border data collection, data processing, and data transfer among Participating States;
- “regional space” means the air and maritime spaces managed by the respective governments of the CARICOM Member States in accordance with international aviation and maritime law;
- “Revised Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Nassau, The Bahamas, on 5th July, 2001;
- “sensitive personal data” has the meaning assigned to it by section 2 of the *Data Protection Act, 2019* (Act 2019-29);
- “serious crime” means an offence for which the term of imprisonment is at least 12 months;
- “technical stop” means the landing of an aircraft or the berthing or anchoring of a vessel or the arrival or stopping of an aircraft or a vessel otherwise for purposes of refuelling, unexpected essential repairs, or a similar purpose other than for taking on or discharging passengers, baggage, cargo, or mail;
- “terrorist offence” means any offence under the *Anti-Terrorism and Counter-Proliferation of Weapons of Mass Destruction Act*, Cap. 158, the *Proceeds of Crime and Instrumentalities Act, 2019* (Act 2019-17) or any other relevant enactment in respect of acts of terrorism;

“vessel”

- (a) means any ship, boat, barge, yacht, or other floating or submersible transportation by means of which persons and goods can travel across international borders; and
- (b) includes a cruise line, a cargo ship, and a tugboat;

“vessel operator”

- (a) means an individual, a company, or an organization responsible for the operation, management, and control of a particular vessel; and
- (b) includes an individual, a company, or an organization responsible for overseeing the navigation, manoeuvring, and overall operation of the vessel, as well as ensuring compliance with maritime regulations, safety protocols, and operational procedures;

“Watch List” means a list maintained by IMPACS and the Immigration Department that is used for the identification, tracking and monitoring of the activities or movements of criminals and suspicious travellers, including

- (a) terrorists or persons convicted of a criminal offence;
- (b) persons suspected to be travelling on stolen and lost travel documents;
- (c) criminal deportees; and
- (d) other persons of interest to law enforcement agencies and the intelligence community.

Application

3. This Act shall apply to the collection, use, retention, transfer, and protection of Advance Passenger Information and Passenger Name Records.

PART II

ADMINISTRATION

Duties and functions of the Chief Immigration Officer

- 4.(1) The Chief Immigration Officer shall
- (a) be responsible for overseeing and implementing the provisions of this Act;
 - (b) establish protocols, standards, issue guidelines and technical requirements for the secure transmission, storage, and processing of API and PNR data;
 - (c) oversee the operations of the PIU in the performance of its functions;
 - (d) establish secure channels and reliable systems for the timely transmission, receipt, storage, management, and transfer of API and PNR data from the captain or agent of an aircraft and the master of a vessel;
 - (e) monitor compliance with API and PRN laws, regulations and requirements, and may conduct reviews or inspections of aircraft, vessels, or transportation operators' operations to ensure adherence to the data collection and transmission requirements;
 - (f) establish data transfer agreements or arrangements with other receiving Participating States or their competent authorities, specifying the obligations, safeguards, and conditions for the use, storage, and retention of the transferred PNR data;
 - (g) conduct audits and inspections to ensure compliance with this Act;
 - (h) establish cooperation and information sharing mechanisms with relevant national and international entities to enhance the effectiveness of API and PNR data usage;

- (i) maintain confidentiality and data protection standards for the handling of API and PNR data;
- (j) provide necessary training and support to PIU personnel and persons involved in the API and PNR data management process;
- (k) co-ordinate with IMPACS on matters relating to API and PNR and ensure compliance with this Act;
- (l) have access API data and PNR data or the data processing results in order to examine such information further;
- (m) adequately manage API data and PNR data and provide an appropriate level of protection of these data in keeping with the principles of data protection in accordance with the *Data Protection Act, 2019* (Act 2019-29) and any other relevant enactments, and international best practices;
- (n) verify data during physical processing of any passenger or crew member at any port of entry or departure by comparing the API information to the information contained in the travel document presented by the passenger or crew member;
- (o) liaise and coordinate with relevant national, regional, and international organisations to ensure that, in so far as it is practicable, mechanisms are established which remove the requirement of passengers to submit the same information to more than one entity in respect of the same voyage or journey;
- (p) correct any erroneous data at the port of entry or departure and update the information in API and PNR databases after verifying it from the travel or other relevant documents of the passenger or crew member;
- (q) undertake appropriate action for the purposes of preventing, detecting, investigating, and prosecuting terrorist offences or other serious crimes as well as for border security purposes;

- (r) co-ordinate with IMPACS on all matters relating to API, PNR submissions and CEMSIW;
 - (s) if requested, permit a passenger or crew member from an aircraft or vessel access to his personal identifiable information maintained in the APIS database to ensure its correctness; but no passenger shall have access to any information provided by IMPACS to the Chief Immigration Officer against a Watchlist for any API hit;
 - (t) process all API hits, high-risk travellers and cargo information flagged and referred by IMPACS and provide timely dispositions on these referrals, in keeping with established protocols;
 - (u) determine after consultation with IMPACS the admissibility or otherwise of passengers or crew members into Barbados;
 - (v) withhold clearance for the departure of an aircraft or vessel whose captain, master or agent has not provided the API and PNR data required pursuant to section 7, pending submission of the data; and
 - (w) assess the sufficiency and error rates in reviewing API and PNR transmissions for each flight or voyage.
- (2) Notwithstanding paragraphs (r) and (t) of subsection (1), any decision with respect to the admissibility or inadmissibility of passengers or crew members from an aircraft or a vessel shall be made by the Chief Immigration Officer.
- (3) The Chief Immigration Officer shall carry out the duties and functions under subsection (1) in accordance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy.
- (4) Where there is a positive match resulting from the automated processing of API and PNR data, the match shall be reviewed individually by the Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer by non-automated means before any action is taken pursuant to this Act.

(5) The Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer shall not take any decision

- (a) that produces an adverse legal effect on a person or that significantly affects a person only by reason of the automated processing of data; or
- (b) on the basis of a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life, or sexual orientation, unless failure to take the decision would be prejudicial to the interest of public health, public safety, and national security.

Data Protection Officer

5.(1) The Data Protection Officer shall be designated by the Minister, on consultation with the Chief Immigration Officer, and shall

- (a) operate independently and autonomously in the performance of his duties and free from any conflicts of interest;
- (b) provide advice, guidance, and recommendations to the Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer or to IMPACS on matters related to the processing of API data and PNR data, ensuring compliance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy;
- (c) monitor the processing of activities related to API data and PNR data, including data collection, storage, access, use, and sharing, to ensure compliance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy, established policies, procedures, and safeguards;
- (d) conduct regular risk assessments regarding the processing of API data and PNR data and identify potential risks or vulnerabilities, and work

with relevant departments and stakeholders to implement appropriate measures to mitigate risks and safeguard the rights and privacy of individuals;

- (e) be responsible for conducting or overseeing Data Protection Impact Assessments relating to the collection, processing, and management of PNR data, and ensure that Data Protection Impact Assessments are carried out in accordance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy;
- (f) act as the main point of contact for individuals, including passengers and crew members, regarding their rights, concerns, and inquiries related to the processing of their API data and PNR data and in so doing facilitate the exercise of data subjects' rights and handle any complaints or data breaches;
- (g) organise and provide training programs, workshops, and awareness campaigns to enhance the understanding of data protection principles, obligations, and best practices related to API and PNR data processing;
- (h) cooperate and maintain effective communication with IMPACS and relevant data protection authorities or regulatory bodies, providing necessary information, reports, and notifications as required by the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy;
- (i) prepare periodic reports on data protection activities, incidents, and compliance status for senior management and relevant stakeholders and ensure transparency and accountability in the processing of API data and PNR data;
- (j) provide national oversight for the protection of API data and PNR data; and
- (k) provide advice, guidance, and recommendations to the Immigration Department on API data and PNR data processing to ensure

compliance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy.

(2) The Data Protection Officer shall address inquiries, concerns, or complaints from the public relating to the processing of API data and PNR data.

Passenger Information Unit

6.(1) There shall be established a unit to be known as the “Passenger Information Unit” or the “PIU” which shall comprise

- (a) the Chief Immigration Officer or his nominee;
- (b) the Commissioner of Police or his nominee;
- (c) the Chief of Staff of the Barbados Defence Force or his nominee;
- (d) the Comptroller of Customs or his nominee;
- (e) the Data Protection Commissioner or his nominee;
- (f) the Chief Medical Officer or his nominee;
- (g) such number of other immigration officers as the Chief Immigration Officer determines; and
- (h) such other persons possessing expertise in immigration, customs, law enforcement, intelligence, data protection, information technology, and other relevant disciplines as the Minister may determine.

(2) The PIU shall

- (a) receive, store, process, analyse and manage all API and PNR data transmitted by an aircraft and vessel in accordance with the provisions of this Act for the purpose of national security;
- (b) for the purpose of prevention, detection, investigation and prosecution of terrorism and other serious crime
 - (i) manage and conduct risk assessments and analysis of API and PNR data collected from an aircraft or a vessel; and

- (ii) submit the results to the law enforcement personnel at ports of entry in Barbados, through the use of appropriate secure tools, technologies, and intelligence methodologies;
 - (c) in collaboration with IMPACS, ensure that aircraft operators, vessel operators, passengers, and crew members are
 - (i) aware of their obligations under this Act; and
 - (ii) compliant with the requirements for an aircraft or a vessel to arrive in or depart from Barbados;
 - (d) liaise with and ensure effective communication and cooperation with government departments and government agencies, by
 - (i) sharing information that it has acquired in the course of its duties under this Act; and
 - (ii) undertaking any other responsibility assigned by the Chief Immigration Officer;
 - (e) liaise, collaborate, and exchange information with other national, regional and international competent authorities, including other passenger information units and national, regional, and international law enforcement organisations, as required; and
 - (f) where required by the Chief Immigration Officer, establish formal arrangements with national, regional and international competent authorities to support the implementation of the functions of the PIU.
- (3) The PIU shall carry out the functions under subsection (1) in accordance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy.
- (4) In processing API and PNR data, the PIU shall
- (a) coordinate with IMPACS and other competent authorities in carrying out an assessment of passengers and crew prior to their scheduled

arrival in or departure from Barbados to identify persons who require further examination by the Immigration Department; and

- (b) analyse API and PNR data for the purpose of updating or creating new criteria to be used in the screening and risk assessment process and share risk information and intelligence with IMPACS to further risk assessments and generation of risk criteria.

(5) Where there is a positive match resulting from the automated processing of API and PNR data, the match shall be individually reviewed by the PIU by non-automated means before any action is taken by the Chief Immigration Officer pursuant to this Act.

(6) The PIU shall be equipped with the capacity for 24-hour operation, with procedures in place to minimise disruption in the event of an emergency, system outage, or failure.

(7) There shall be appointed to the PIU such number of officers as may be required to carry out its duties and functions under this Act.

PART III

GENERAL OBLIGATIONS REGARDING ADVANCE PASSENGER INFORMATION AND PASSENGER NAME RECORDS

Duty to provide advance passenger information, passenger name record data and embarkation and disembarkation data

7.(1) A master, a captain or an agent of an aircraft or a vessel shall submit the relevant API data and PNR data relating to the passenger and crew, flight or voyage as set out in the *First Schedule* to the Chief Immigration Officer, another immigration officer or other person acting under the authority of the Chief Immigration Officer and IMPACS, *via* the CEMSIW in accordance with the time lines set out in the *Third Schedule*.

(2) The duty to provide API data and PNR data shall apply to all aircraft and vessels, regardless of size and tonnage which are

- (a) expected to arrive in Barbados;
- (b) expected to depart from Barbados; or
- (c) in transit through Barbados.

(3) Where a flight is code-shared between one or more aircraft, a captain or an agent of the operating carrier shall provide API data and PNR data of all passengers and crew to the Chief Immigration Officer, another immigration officer or other person acting under the authority of the Chief Immigration Officer and IMPACS, *via* the CEMSIW.

(4) A passenger or a crew member travelling into and out of Barbados shall, *via* the CEMSIW, provide to the Chief Immigration Officer and IMPACS the relevant embarkation and disembarkation data as set out in the *Fourth Schedule*.

(5) In addition to any information provided pursuant to subsection (1), the Chief Immigration Officer may

- (a) question any captain, master, agent, crew member, or passenger in relation to the aircraft or vessel; or
- (b) request any person within the category of persons mentioned in paragraph (a) to immediately produce any document within that person's possession or control in relation to the questions put to the person.

(6) A person who contravenes subsection (1), (2), (3) or (4) shall be subject to an administrative penalty in accordance with Part VII.

(7) A person who

- (a) refuses to answer a question or knowingly gives a false answer to any questions put to him by the Chief Immigration Officer under subsection (5)(a); or

- (b) refuse to produce any document within that person's possession or control, or delay the production of a document, requested under subsection (3)(b),

shall be subject to an administrative penalty in accordance with Part VII.

(8) The Minister may, in writing, waive the requirements of subsection (1) in respect of an aircraft or vessel where

- (a) the aircraft or vessel is a military or law enforcement aircraft or vessel;
- (b) the aircraft or vessel is engaged on official Government business;
- (c) the aircraft or vessel is engaged in humanitarian or emergency relief or recovery operations; or
- (d) in exceptional circumstances, the Minister considers it necessary, having regard to considerations of national security, public health, public safety, international relations, or humanitarian considerations.

(9) A waiver granted under subsection (8) shall

- (a) specify the reasons for the waiver;
- (b) be limited in scope and duration to what is strictly necessary in the circumstances; and
- (c) be recorded and retained for audit and oversight purposes in accordance with this Act and any other applicable law.

Technical stop

8.(1) Nothing in section 7 applies to an aircraft or a vessel which makes a technical stop if the technical stop is

- (a) required by any enactment or any other legal requirement relating to navigation;
- (b) compelled by an emergency, accident, unfavourable weather conditions, or other necessity; or

- (c) authorised by the Chief Immigration Officer.
- (2) Where an aircraft or a vessel makes a technical stop for a reason outlined in subsection (1), the captain, agent, or master shall
 - (a) immediately report to the Chief Immigration Officer;
 - (b) comply with any directives given by the Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer in respect of any passenger or crew member, carried on the aircraft or vessel; and
 - (c) not, without the consent of the Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer, permit a passenger or crew member to disembark from the aircraft or vessel.
- (3) Subject to any authorisation granted by the Chief Immigration Officer and any immigration officer or other person acting under the authority of the Chief Immigration Officer, neither a passenger nor a crew member on an aircraft or a vessel shall, without the consent of the Immigration Department, disembark the aircraft or vessel, and such person shall comply with any directive given by the Chief Immigration Officer.
- (4) A captain, a master or an agent who contravenes subsection (2) or (3) shall be subject to an administrative penalty in accordance with Part VII.
- (5) Subsection (4) shall not apply where the disembarkation of a passenger or a crew member from an aircraft or a vessel is necessary for reasons of health, safety, or the preservation of life.

Restriction on disclosure of data or documentation by the Chief Immigration Officer

9.(1) The Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer shall treat all data and documentation obtained or generated in the course of his duties as confidential.

(2) Subject to subsection (3), the Chief Immigration Officer, another immigration officer and all other agents or personnel within the scope of this Act shall refrain from disclosing any confidential data or documentation, except as expressly authorised by law or with the explicit consent of the parties involved.

(3) The Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer may disclose confidential data or documentation where required by

- (a) an order of the court;
- (b) a legal obligation imposed by an enactment; or
- (c) an agreement to which Barbados is a party.

(4) The Chief Immigration Officer shall

- (a) manage all disclosed data or documentation in compliance with the *Data Protection Act, 2019* (Act 2019-29) and any other enactments in relation to data protection and data privacy;
- (b) establish and maintain appropriate technical, organisational, and administrative measures to protect the confidentiality, integrity, and security of the disclosed data or documentation;
- (c) restrict access to disclosed data or documentation to authorised personnel who have a legitimate need-to-know for the performance of their duties;
- (d) implement access controls, user authentication mechanisms, and monitoring systems to prevent unauthorised access or disclosure of the data or documentation;
- (e) prohibit its personnel from making any unauthorised disclosure of confidential data or documentation, both during and after their employment or engagement with the Immigration Department; and
- (f) implement disciplinary measures under *Public Service Act*, Cap. 29 and any other related enactment as are considered appropriate.

Advance passenger information and passenger name record access

10.(1) No government department or agency shall have direct access to API data and PNR data that is maintained by the Chief Immigration Officer and the PIU.

(2) Notwithstanding subsection (1), the Chief Immigration Officer may, pursuant to a written request from another government Ministry, department or agency, grant limited access to the Advance Passenger Information and the Passenger Name Record data.

(3) All data shall be validated by the Chief Immigration Officer before it is transmitted to the requesting government department or agency.

(4) No person shall, without authorization, access, attempt to access, facilitate access to or cause access to API and PNR that is maintained by the Chief Immigration Officer and the PIU.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of \$20 000 or imprisonment for a term of 2 years, or both.

Processing of API and PNR

11.(1) The PIU shall process API and PNR data for the following purposes:

- (a) conducting risk assessment of passengers and crew before their scheduled arrival in or departure from Barbados to identify individuals who require further examination for potential involvement in terrorist related activities or serious crimes;
- (b) responding, to requests received from other competent authorities and government agencies for specific cases, aimed at preventing, detecting, investigating, and prosecuting terrorist offences or other serious crimes; and

- (c) analysing API and PNR data to update or establish new criteria used in the assessments mentioned in paragraph (a) to identify individuals involved in terrorist offences or other serious crimes.
- (2) PNR data shall not be processed in such a manner as to reveal an individual's sensitive personal data and where PNR data reveals sensitive personal data, the PNR data shall be deleted immediately by the PIU.
- (3) When conducting a risk assessment under subsection (1)(a), the PIU may
 - (a) compare API data and PNR data with authorised databases for the purpose of preventing, detecting, investigating, and prosecuting terrorist offences or other serious crimes, including databases of wanted persons or objects, as permitted by law;
 - (b) analyse API data and PNR data using non-discriminatory criteria; and
 - (c) share results with the relevant authorities.
- (4) The assessment of passengers and crew prior to their arrival in or departure from Barbados carried out under subsection (1)(a) against established criteria shall be carried out in a non-discriminatory manner.
- (5) Criteria used in the assessment of passengers and crew shall
 - (a) be targeted, proportionate and specific in nature; and
 - (b) be regularly reviewed in consultation with the Chief Immigration Officer.
- (6) Notwithstanding subsection (5), a criterion for the assessment of passengers shall not, in any circumstance, be based on race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sexual life or sexual orientation.
- (7) Where PNR data collected includes data other than those listed in the *First Schedule* any such data shall be deleted immediately and permanently upon receipt.

- (8) The storage, processing and analysis of API data and PNR data shall be carried out exclusively within a secure location within Barbados, as designated by the Minister.
- (9) PNR data collected in accordance with this Act shall be processed only for the purposes of preventing, detecting, investigating, and prosecuting terrorist offences and other serious crime and for border security purposes.
- (10) Notwithstanding, subsection (9), in exceptional cases, PNR data may be processed, where necessary, for the protection of the vital interests of any individual, such as the risk of death, serious injury or threat to life or health.
- (11) The Chief Immigration Officer may share PNR data with Ministries, departments and agencies, where required under any *Data Protection Act, 2019* (Act 2019-29) practices.

Verification of API and PNR data submitted to the Chief Immigration Officer

- 12.(1)** The Chief Immigration Officer shall establish a robust system for the verification of API and PNR data submitted by aircraft or vessels, ensuring the accuracy, integrity, and reliability of the data collected, and the verification process shall be conducted in accordance with applicable laws.
- (2) The Chief Immigration Officer shall employ appropriate mechanisms and tools to validate the API data and PNR data provided by the captain or agent of an aircraft or the master or agent of a vessel which may include cross-checking the data against reliable and authoritative sources, such as travel documents, identity databases, or immigration records.
- (3) The API data and PNR data shall be subject to risk assessment and analysis to identify potential anomalies, discrepancies, or patterns that may require further investigation or action.
- (4) Where discrepancies or inconsistencies are identified during the verification process, the Chief Immigration Officer and any other immigration officer or other person acting under the authority of the Chief Immigration Officer

shall immediately notify the captain or agent of the relevant aircraft, the master or agent of the relevant vessel or the submitter of API data and PNR data, following which the captain, master, agent or submitter shall be given an opportunity to rectify the discrepancies within a prescribed time frame.

Use, screening and sharing of API and PNR with regional and international security agencies

13.(1) The Chief Immigration Officer shall use API data and PNR data to conduct screening, against Watch Lists and approved national, regional, and international databases, of passengers and crew on an aircraft or a vessel that

- (a) arrives in, departs from and transits through Barbados; and
- (b) travels within CARICOM,

in order to obtain or provide information to assist the Chief Immigration Officer and IMPACS in the performance of their functions under this Act and any other enactments, as required, and to support other Participating States, in accordance with applicable agreements or arrangements.

(2) The Minister shall approve national, regional, and international databases to be used to conduct screenings.

(3) The Chief Immigration Officer and IMPACS may share the information contained within the CARICOM APIS with INTERPOL and any other national, regional, or international intelligence, law enforcement or security agencies or centres approved by CONSLE in order to further national, regional, or international security.

(4) API data and PNR data shall only be used for the purposes of this Act and, subject to access granted by the Chief Immigration Officer under section 10 (2), to inform national compilation of statistics by Government Ministries, Departments and Agencies authorised to do so.

Transfer of API and PNR data to another country

14.(1) The Chief Immigration Officer may transmit API data and PNR data to the competent authority in another country only

- (a) in accordance with this Act; and
- (b) on ascertaining that the receiving country intends to use the data in a manner consistent with this Act.

(2) Where the level of management and protection of data in the receiving country is lower than in Barbados, any conflict between the provisions of this Act and enactments of a receiving country, shall be resolved prior to the transfer of data referred to in subsection (1).

(3) The Chief Immigration Officer and the Chief Immigration Officer or competent authority shall resolve conflicts between the provisions of this Act and enactments in a receiving country by implementing appropriate safeguards.

(4) Appropriate safeguards may be provided for by

- (a) a legally binding and enforceable instrument between the Chief Immigration Officer in Barbados and the competent authority in the receiving country;
- (b) binding corporate rules that are enforced by the Chief Immigration Officer and the competent authority in the receiving country, and which expressly confer enforceable rights on a person whose API data and PNR data is requested to be transferred;
- (c) a code of conduct the terms of which are agreed upon between the Chief Immigration Officer and the competent authority in the receiving country which has binding and enforceable commitments of the competent authority of the receiving country to apply appropriate safeguards, including regards to the rights of the person whose API data and PNR data is being transferred; or

- (d) contractual clauses between the Chief Immigration Officer of Barbados and the competent authority in the receiving country to apply appropriate safeguards, including the rights of the person whose API data and PNR data is being transferred.

PART IV

API OPERATIONS

Duty to transmit API data elements to Chief Immigration Officer

15. A captain, a master or an agent of an aircraft or a vessel arriving in, departing from or transiting through Barbados shall, through the CEMSIW, transmit API data to the Chief Immigration Officer and IMPACS in a manner consistent with the list of API data elements set out in the *Fourth Schedule* and in accordance with the time frames set out in the *Fifth Schedule*.

Time frame for submission of API data and embarkation and disembarkation data to Chief Immigration Officer

16.(1) API data shall be submitted to the Chief Immigration Officer, through CEMSIW, in accordance with the time frames set out in the *Fifth Schedule*.

(2) In the event of technical failure, a captain, a master, or an agent shall transmit API data by any other appropriate electronic means, in accordance with the time frames set out in the *Fifth Schedule*, ensuring the application of the appropriate level of data security.

Duty to transmit API data elements to competent authority

17. A captain, a master or an agent of an aircraft or a vessel arriving in, departing from or transiting through Barbados shall, through the CEMSIW, transmit API data to the competent authority and IMPACS in a manner consistent with the list of API data elements set out in *Fourth Schedule* and in accordance with the time frames set out in *Fifth Schedule*.

Time frame for submission of API data and embarkation and disembarkation data

18.(1) API data shall be submitted to the competent authority and IMPACS, through CEMSIW, in accordance with the time frames set out in paragraph 1 of the *Fifth Schedule*.

(2) In the event of technical failure, a captain, a master, or an agent shall transmit API data by any other appropriate electronic means, in accordance with the time frames set out in paragraph 1 of the *Fifth Schedule*, ensuring the application of the appropriate level of data security.

(3) Embarkation and disembarkation data shall be submitted to the Chief Immigration Officer, through CEMSIW, in accordance with the time frames set out in the *Fifth Schedule*.

Protection of API data

19.(1) An individual may, in the prescribed form and manner and, in accordance with the *Data Protection Act, 2019* (Act 2019-29)

(a) submit a request to the Chief Immigration Officer to gain access to his API data to check and verify its accuracy; and

(b) where appropriate, request the correction of his data.

(2) The Chief Immigration Officer, or any other immigration officer or other person acting under the authority of the Chief Immigration Officer, shall, in the prescribed form and manner,

(a) respond to a request made under subsection (1); and

(b) where appropriate, correct the individual's API data.

(3) An individual shall have the right to lodge a complaint before the Data Protection Officer if he considers that the processing of his API data is not in compliance with this Act or the *Data Protection Act, 2019* (Act 2019-29).

Retention of API data

20.(1) API data collected under this Act for screening purposes shall be retained for a period not exceeding 7 years from the date of travel of the passenger or crew member.

(2) On expiry of the data retention period stipulated under subsection (1), API data shall be deleted from each database in which they were stored, except if needed in connection with a specific case, a threat or a risk identified as being related to terrorism, other serious crime, or border security.

(3) Nothing contained in subsection (1) applies to the data copied from CARICOM APIS into any other security database system to which a different data retention schedule applies.

(4) There shall be applied in respect of any security database that stores API data which has been sourced or copied from CARICOM APIS, at a minimum, equal levels of protection and privacy as applied by CARICOM APIS in accordance with the *Data Protection Act, 2019* (Act 2019-29), any other enactments related to data protection and data privacy and international best practices.

Duty to provide API data in accordance with Act

21.(1) A captain, a master or an agent shall provide API data in accordance with this Act.

(2) No captain, master or agent shall intentionally or recklessly

- (a) provide erroneous, faulty, misleading, incomplete, or false API; or
- (b) engage in, or facilitate API transfer in an incorrect format.

(3) A passenger or crew member

- (a) shall provide embarkation data and disembarkation data in accordance with this Act; and

- (b) shall not intentionally or recklessly provide erroneous, misleading, incomplete, or false data.
- (4) A passenger or crew member shall provide embarkation data and disembarkation data in accordance with this Act and shall not, either intentionally or recklessly provide erroneous, misleading, incomplete, or false data.
- (5) Subject to subsection (6), a person who contravenes subsection (1), (2), (3) or (4) shall be subject to an administrative penalty in accordance with Part VII.
- (6) Where the API data provided is inaccurate and the captain, master, or agent of the aircraft or vessel satisfies the Chief Immigration Officer that the error was not made knowingly or recklessly then, notwithstanding any other provision of this Act, the captain, master, or agent shall not be subject to the imposition of an administrative penalty in accordance with Part VII.

PART V

PNR OPERATIONS

Obligations of captain or agent of aircraft regarding the transfer of PNR data

- 22.(1) A captain or an agent of an aircraft shall, using the push method *via* the CEMSIW, transfer to the Chief Immigration Officer, PNR data which it has collected in the normal course of business in respect of passengers to be carried by the aircraft into and out of Barbados.
- (2) Where a flight in respect of which PNR data is required to be collected and transmitted is code-shared between one or more aircraft, a captain or agent of the operating carrier shall transmit the PNR data of all passengers on the flight to the Chief Immigration Officer and IMPACS.
- (3) A captain or an agent of an aircraft shall transfer PNR data to the Chief Immigration Officer and IMPACS by electronic means in accordance with the time lines stipulated in the *Second Schedule*.

- (4) A captain or an agent of an aircraft may, when providing updated passenger information, limit the transmission of PNR data to an update of the information previously provided.
- (5) A captain or an agent of an aircraft shall also transfer PNR data to the Chief Immigration Officer and IMPACS on a case-by-case basis, at the request of the Chief Immigration Officer and IMPACS at times other than those provided for in subsection (3) where access to that data is required in order to respond to a specific and actual threat related to terrorist offences or other serious crime.
- (6) A captain or an agent of an aircraft shall maintain records of PNR data transfers, including the date, time, and details of the transmission, for a specified period as required by the Chief Immigration Officer.
- (7) A captain or an agent of an aircraft shall cooperate fully with the Chief Immigration Officer and IMPACS in relation to the transfer of PNR data, providing any additional information or assistance as required for the purpose of national security, law enforcement, or other authorised purposes.
- (8) A captain or an agent of an aircraft shall comply with all requirements under this Act.

Obligations of master or agent of vessel regarding the transfer of PNR data

- 23.(1) A master or an agent of a vessel shall, in accordance with this Act, transfer by the push method to the Chief Immigration Officer and IMPACS *via* the CEMSIW all PNR data which it has collected in the normal course of business in respect of passengers and crew to be carried by that vessel into and out of Barbados.
- (2) Where a commercial vessel or private vessel in respect of which PNR data is required to be collected and transmitted is code-shared between one or more vessels, a captain or an agent of the operating carrier shall transmit the PNR data of all passengers and crew on the vessel to the Chief Immigration Officer and IMPACS.

- (3) A master or an agent of a vessel shall transfer PNR data to the Chief Immigration Officer by electronic means in accordance with the time lines specified in the *Third Schedule*.
- (4) A master or an agent of a vessel when providing updated passenger information, may limit the transmission of PNR data to an update of the information previously provided.
- (5) A master or an agent of a vessel shall also transfer PNR data to the Chief Immigration Officer on a case-by-case basis, at the request of the Chief Immigration Officer and IMPACS at times other than those provided for in subsection (3) where access to that data is required in order to respond to a specific and actual threat related to terrorist offences or other serious crime.
- (6) A master or an agent of a vessel shall maintain records of PNR data transfers, including the date, time and details of the transmission, for a period specified by the Chief Immigration Officer and IMPACS.
- (7) A master or an agent of a vessel shall cooperate fully with the Chief Immigration Officer in relation to the transfer of PNR data, providing any additional information or assistance as required for the purpose of national security, law enforcement or other authorised purposes.
- (8) A master or an agent of a vessel shall accurately complete and submit information, including such information related to health, crew effects, ship stores, and dangerous goods to the Chief Immigration Officer and IMPACS, through the CEMSIW for processing, in accordance with the data elements as reflected in the *Sixth Schedule*, pursuant to the FAL Convention, as updated.
- (9) A master or an agent of a vessel shall comply with all requirements under this Act.

PNR data transfer method and format

24.(1) Subject to subsections (3) and 4), the captain or agent of an aircraft or the master or agent of a vessel arriving at, departing from, or transiting through Barbados shall transfer PNR data collected in the normal course of business to

the Chief Immigration Officer and IMPACS through the CEMSIW by the push method, using the PNRGOV message format.

(2) The captain or agent of an aircraft or the master or agent of a vessel arriving at, departing from or transiting through Barbados shall not be required to filter PNR data prior to the transmission of the data to the Chief Immigration Officer and IMPACS.

(3) In the event of a technical failure, or any other exceptional case, the captain or agent of an aircraft or the master or agent of a vessel shall transfer PNR data by any other appropriate electronic means as an alternative to the push method.

(4) The PNR data to be transmitted under this section shall be consistent with the data elements set out in the *First Schedule*.

Transmission timeframe for PNR data

25.(1) Subject to subsection (2), the captain, master, or agent of an aircraft or a vessel operating a flight or voyage arriving at, departing from, or transiting through Barbados shall transfer PNR data to the Chief Immigration Officer and IMPACS in accordance with the *Second Schedule* or *Third Schedule*, as the case may be.

(2) In the event of a cancellation of a scheduled flight or voyage after the first transmission of PNR data, no further transmission shall be required.

(3) Where access to PNR data is required to respond to a specific threat to the public or in the interest of national security, an aircraft or a vessel shall be required to provide the Chief Immigration Officer, with PNR data prior to, between, or after the scheduled transmission timelines specified in the *Second* or *Third Schedule*, as the case may be.

Automated processing of PNR data

26.(1) Automated processing of PNR data shall be based on objective, precise and reliable criteria that effectively indicate the existence of a risk, without leading to unlawful differentiation among individuals.

- (2) Automated processing of PNR data shall not be discriminatory.
- (3) A decision which produces significant adverse actions on individuals, affecting their legal interests, rights, or other legal entitlements, as provided for under the *Data Protection Act, 2019* (Act 2019-29) and any other enactments related to data protection and data privacy shall not be made on the sole basis of the automated processing of PNR data.

Sensitive personal data

- 27.(1) Subject to subsection (3), no person shall process PNR data that is sensitive personal data.
- (2) Subject to subsection (3), PNR data containing sensitive personal data shall be immediately deleted if received by the Chief Immigration Officer and IMPACS.
- (3) Notwithstanding subsections (1) and (2), sensitive personal data may be processed in exceptional and immediate circumstances to protect the vital interests of an individual.

PNR data and document retention

- 28.(1) PNR data provided by a captain or an agent of an aircraft, or a master or agent of a vessel to the Chief Immigration Officer and IMPACS shall be retained in a database of the Chief Immigration Officer and IMPACS for a period of 7 years after its transfer.
- (2) PNR data transferred in accordance with subsection (1) shall be deleted permanently upon the expiration of the period of 7 years after the PNR data is transferred.
- (3) PNR data or the results of the processing of such data that have been transferred to the Chief Immigration Officer, any other immigration officer or other person acting under the authority of the Chief Immigration Officer by the PIU shall be deleted permanently
 - (a) on the expiration of a period of 7 years after they were transferred; or

- (b) where the data were retained for the purpose of the prevention, detection, investigation or prosecution of a terrorist offence or other serious crime and proceedings for such offence are brought against any person, on the day on which final judgment is given in the proceedings,

whichever occurs later.

(4) The Chief Immigration Officer shall retain the result of the assessment of passengers and crew for as long as is necessary to inform the competent authorities and passenger information units of other Participating States of a positive match.

(5) Where the result of automated processing has, following individual review by non-automated means, proven to be negative, it may be retained to avoid future false positive matches for as long as the underlying data are not destroyed in accordance with this Act.

(6) The PIU, under the supervision of the Chief Immigration Officer shall maintain documentation relating to all of its processing systems and procedures and that documentation shall contain

- (a) the name and contact details of the organisation and personnel of the PIU entrusted with the processing of PNR data and the different levels of access authorisation;
- (b) the requests made by the competent authorities and the PIUs of other Participating States; and
- (c) all requests for and transfers of PNR data to a third country.

(7) The PIU shall keep records of its processing operations involving collection, consultation, disclosure, and erasure of PNR data.

(8) Records kept under subsection (7) in relation to consultation and disclosure shall show, in particular

- (a) the purpose, date, and time of such operations; and

- (b) as far as possible, the identity of the member of staff of the PIU who consulted or disclosed the PNR data and the identity of the recipients of those data.
- (9) Records kept under subsection (7) shall be
 - (a) used solely for the purposes of verification, self-monitoring, ensuring data integrity and security, and auditing; and
 - (b) kept for a period of 7 years.
- (10) The PIU shall, on request, make available to the Data Protection Officer all documentation required to be maintained under this Act.
- (11) The PIU shall put in place and implement appropriate technical and organisational measures and procedures to ensure a high level of security appropriate to the risks represented by the nature and processing of PNR data.
- (12) Where a personal data breach occurs and this is likely to result in a high risk to the protection of the personal data concerned or affect the privacy of the data subject adversely, the breach shall be communicated to the data subject and to the Data Protection Officer without undue delay.

Depersonalisation and anonymisation of PNR data

- 29.(1)** PNR data transferred by a captain or an agent of an aircraft, or a master or an agent of a vessel to the Chief Immigration Officer and IMPACS *via* the CEMSIW shall, after a period of 6 months from the date of the transfer, be depersonalised, no longer enabling direct identification of the passengers or crew, except when used in connection with an identifiable ongoing case, threat or risk related to the purposes stipulated in this Act or investigations.
- (2) The following data elements shall be removed to facilitate the depersonalisation of PNR data referred to in subsection (1):
- (a) the passenger's or crew member's name, and the names of other passengers and crew on the PNR, and the number of passengers and crew on the PNR travelling together;

- (b) the address and contact information of the passengers and crew members;
 - (c) all forms of payment information, including billing address, to the extent that it contains any information which could serve to directly identify the passenger and crew members to whom the PNR data relate, or any other person;
 - (d) frequent flyer or traveller information; and
 - (e) any general remarks relating to the PNR data to the extent that they contain any information which could serve to directly identify the passenger or crew member to whom the PNR data relates.
- (3) Depersonalised data shall be retained for statistical, analytical or research purposes, provided that it does not infringe upon the privacy rights of the individuals.
- (4) PNR data may be re-personalised only if needed in connection with an identifiable ongoing case, threat, or risk related to the purposes stipulated in this Act, upon authorisation by the appropriate authority.
- (5) PNR data shall be deleted or anonymised after it has been retained for a period of 7 years, except when used in connection with an identifiable ongoing case, threat or risk related to the purposes stipulated in this Act.
- (6) Nothing contained in subsection (1) applies to PNR data copied from the databases managed by the Chief Immigration Officer into any other security database system to which a different data retention schedule applies.
- (7) There shall be applied in respect of any security database that stores PNR data which has been sourced or copied from databases managed by the Chief Immigration Officer, at a minimum, equal levels of protection and privacy in accordance with the *Data Protection Act, 2019* (Act 2019-29,) any other enactments related to data protection and data privacy and international best practices.

National oversight

30. The Data Protection Officer shall provide national oversight for the protection of PNR data.

Chief Immigration Officer and PIU to liaise with Regional Data Protection Officer

31.(1) The Chief Immigration Officer and the PIU shall liaise with and provide the requisite support and information to the Regional Data Protection Officer.

(2) The Chief Immigration Officer shall provide the Regional Data Protection Officer with the information necessary for him to perform his duties and tasks effectively and independently.

(3) The Regional Data Protection Officer shall have access to all data pertinent to the processing of API and PNR by the Chief Immigration Officer.

(4) Where the Regional Data Protection Officer considers that the processing of any data has not been lawful or was not done in accordance with this Act, the Regional Data Protection Officer may refer the matter to the Executive Director of IMPACS.

(5) The Regional Data Protection Officer shall coordinate and collaborate with the national data protection officers of Participating States.

Chief Immigration Officer and PIU to liaise with Data Protection Officer

32.(1) The Chief Immigration Officer and PIU shall liaise with and provide the requisite support and information to the Data Protection Officer who shall be appointed in accordance with the *Data Protection Act, 2019* (Act 2019-29).

(2) The Chief Immigration Officer and the PIU shall provide the Data Protection Officer with the resources and information to perform his duties and tasks effectively and independently.

- (3) The Data Protection Officer shall have access to all data processed by the Chief Immigration Officer.
- (4) Where the Data Protection Officer considers that the processing of any data has not been lawful or was not done in accordance with this Act, the Data Protection Officer may refer the matter to the Chief Immigration Officer.

Safeguards and redress mechanisms

- 33.(1) An individual shall have the same right to the protection of his personal data, including the right to be informed, the right of access, the right of rectification and the right to an adequate remedy, in accordance with the *Data Protection Act, 2019* (Act 2019-29).
- (2) An agent of an aircraft or a vessel shall inform every passenger of his rights related to the protection of his personal data referred to in subsection (1).
- (3) An individual shall have the right to lodge a complaint before the Data Protection Officer in circumstances where he considers that the processing of his personal data constitutes a contravention of this Act.

Contravention of Part V

- 34. A person who contravenes the provisions of Part V shall be subject to an administrative penalty in accordance with Part VII.

Conflict of laws regarding transmission of PNR

- 35. In the event of a conflict of laws between the provisions of Part V and the laws of another country regarding the transmission of PNR data by an aircraft or a vessel, the penalties provided for under Part V shall be suspended during the period the authorities of the two States are attempting to resolve the conflict and until it is demonstrated that the two States have attempted to resolve the conflict.

PART VI

EXCHANGE OF PNR DATA WITH OTHER PARTICIPATING STATES

Transfer of PNR Data by Chief Immigration Office or PIU to other participating states

36.(1) Subject to subsection (4) and upon receiving a request from a competent authority of a Participating State, the Chief Immigration Officer may share PNR data with the competent authority of the Participating State in accordance with applicable laws and international agreements.

(2) The transfer of PNR data shall be limited to the purposes specified under this Act, including national security, public safety, immigration control, and the prevention, detection, investigation, and prosecution of serious crimes, including terrorist offences.

(3) The PIU, acting on the approval and guidance of the Chief Immigration Officer, shall transfer PNR data in compliance with the *Data Protection Act, 2019* (Act 2019-29), including appropriate security measures to safeguard the confidentiality, integrity, and protection of the data during transmission and at the receiving end.

(4) The Chief Immigration Officer shall transfer PNR data when there is a lawful basis and a demonstrated necessity for such transfer, as determined by the Chief Immigration Officer.

(5) The Chief Immigration Officer shall assess the proportionality and necessity of the transfer, considering factors such as the gravity of the threat, the relevance of the data, and the availability of alternative means to achieve the stated purposes.

(6) The PIU, acting on the approval and guidance of the Chief Immigration Officer, shall transfer the necessary and proportionate PNR data required for the specified purposes, ensuring that the transferred data is limited to what is essential and relevant.

- (7) The Chief Immigration Officer shall establish clear guidelines regarding the retention periods of transferred PNR data by the competent authority of the receiving Participating States, ensuring that the data is retained for no longer than necessary for lawful purposes.
- (8) The PIU, acting on the approval and guidance of the Chief Immigration Officer, shall engage in mutual assistance and information exchange with the competent authority of the receiving Participating States, ensuring timely and efficient sharing of relevant information related to the transferred PNR data.
- (9) The PIU shall establish mechanisms to facilitate feedback, communication, and coordination with the receiving entities, addressing queries, providing clarifications and responding to requests for additional information or cooperation.
- (10) The Chief Immigration Officer shall oversee and monitor the transfer of PNR data by the PIU, ensuring compliance with the relevant law and applicable agreements.
- (11) The Chief Immigration Officer shall establish an accountability framework to assess the lawfulness, necessity, and effectiveness of the transfers, conducting periodic audits, and assessments to evaluate the compliance of the PIU with the established requirements.
- (12) The Chief Immigration Officer shall provide regular reports to relevant government bodies or committees on the transfers of PNR data, including the number of transfers, the receiving entities, and the purposes for which the data was transferred.
- (13) The Chief Immigration Officer shall establish a transparent transfer process, subject to the limitations imposed by law or national security considerations.

Participating state requests of PNR data from the Chief Immigration Officer

37.(1) Where a request for PNR data is received from the competent authority of a Participating State, or the passenger information unit of another Participating State, but the data have not been depersonalised through masking out, the PIU in consultation with the Chief Immigration Officer may transmit any such information in its possession to the competent authority or passenger information unit of the requesting Participating State if it believes that transmitting the data is necessary for the purpose of preventing, detecting, investigating or prosecuting terrorist offences or other serious crime.

(2) In exceptional circumstances, where a request for PNR data is received from a competent authority of a Participating State or passenger information unit of a Participating State at a time other than that provided for under this Act, the PIU may request the captain or agent of the aircraft or the master or agent of the vessel to transfer the requested PNR data and in turn transfer the PNR data to the competent authority in the requesting Participating State.

(3) A request made under subsection (2) can only be facilitated where there are reasonable grounds to believe that the data requested is necessary to respond to a specific and actual threat related to terrorist offences or other serious crime.

Chief Immigration Officer or PIU requests of PNR data from Participating State

38.(1) The Chief Immigration Officer or the PIU may submit a request for PNR data to a competent authority of a Participating State or the passenger information unit of a Participating State where there are reasonable grounds to believe that the request is necessary for the prevention, detection, investigation or prosecution of a terrorist offence or other serious crime.

(2) A request made under subsection (1) may be based on one or more data elements and shall include the reasons for the request.

(3) The Chief Immigration Officer or the PIU may in exceptional circumstances, request a competent authority of a Participating State or a passenger information unit of another Participating State to

- (a) request the transfer of PNR data by a captain or an agent of an aircraft or a master or an agent of a vessel to the passenger information unit of that Participating State at a time other than the time at which the captain, master or agent usually transfers the PNR data to the passenger information unit of that Participating State; and
- (b) transfer the PNR data to the PIU,

where access to the PNR data is necessary to respond to a specific or actual threat related to a terrorist offence or other serious crime.

PART VII

ADMINISTRATIVE PENALTIES

Administrative penalty notice

39.(1) Where the Chief Immigration Officer is satisfied that a person has contravened a provision to which this Part applies, he shall issue an administrative penalty notice to the person.

- (2) An administrative penalty notice referred to in subsection (1) shall
- (a) be in the prescribed form;
 - (b) include the name of the person who is the subject of the notice;
 - (c) specify the section that the person is alleged to have contravened;
 - (d) set out the circumstances alleged to constitute the contravention to which the notice relates;
 - (e) state the person's right to make representation under section 40;

- (f) inform the person that a request to make a representation shall be submitted within 30 days after the date on which the person receives the notice, failing which the Chief Immigration Officer shall, immediately make a determination in lieu of representation; and
- (g) give a preliminary assessment of the amount of the administrative penalty.

Opportunity to make representations

40.(1) Before making a determination in respect of an alleged contravention, the Chief Immigration Officer shall provide the person referred to in section 39(1) the opportunity to make representations in respect of the alleged contravention.

(2) A person who wishes to make representations pursuant to subsection (1) shall, in writing, submit a request to the Chief Immigration Officer within 30 days after the date on which the person receives the notice issued under section 39(1).

(3) Subject to subsection (4), if a person makes a request in accordance with subsection (2), the Chief Immigration Officer shall

- (a) conduct a written, electronic, or oral hearing, or any combination thereof, as the Chief Immigration Officer, in his sole discretion, considers appropriate;
- (b) determine the circumstances and the place in which, and the process by which, the hearing shall be conducted; and
- (c) by notice in writing, specify the form and content of materials to be provided for the hearing and the deadline for the submission of materials.

(4) If a person fails to submit materials to the Chief Immigration Officer in accordance with what is specified under subsection (3)(c), the Chief Immigration Officer is not required to conduct a hearing and shall immediately proceed to make a determination and issue a decision in respect of the alleged contravention.

Hearing and decision

41.(1) Where a person makes a request under section 40(2) and, where required, submits any materials in accordance with a notice issued under section 40(3)(c), the Chief Immigration Officer shall, within 30 days of receipt of the request and the submission any materials, conduct a hearing in respect of the alleged contravention.

(2) Within 30 days of the date of completion of representations, the Chief Immigration Officer shall make a determination in respect of the alleged contravention and issue a decision, in writing.

(3) If, on a balance of probabilities, the Chief Immigration Officer is satisfied that a person has contravened a provision referred to in section 39, he shall serve the person with a decision requiring the person to pay an administrative penalty in the amount specified in the decision.

(4) A decision shall be in writing and shall

- (a) specify reasons for the decision;
- (b) specify the name of the person who is liable for the administrative penalty;
- (c) set out the contravention in relation to which the administrative penalty is imposed;
- (d) specify the amount of the administrative penalty;
- (e) specify the date by which the administrative penalty is to be paid; and
- (f) notify the person of his right to appeal to the High Court.

(5) An administrative penalty shall be paid within the deadline specified in the notice issued under subsection (4).

(6) Where an administrative penalty is imposed under this Part, a prosecution for an offence under this Act in respect of the same contravention may not be brought against the person.

(7) If the Chief Immigration Officer does not, within 30 days after the person has made representations under this Part, issue a decision in respect of the alleged contravention, the Chief Immigration Officer shall notify the person, in writing, that he is not required to pay an administrative penalty.

Appeals

42. A person aggrieved by a decision of the Chief Immigration Officer made under this Part may, within 14 days of receipt of that decision, appeal to the High Court.

Correction of decision

43.(1) Within 14 days after the date on which the Chief Immigration Officer issues a decision under section 41, he may amend the decision to correct

- (a) a typographical error, arithmetical error, or other similar error; or
- (b) an obvious error or omission.

(2) The discretion given to the Chief Immigration Officer under subsection (1) is exercisable with or without a hearing and

- (a) on the initiative of the Chief Immigration Officer; or
- (b) at the request of the person who is the subject of the decision.

(3) If the Chief Immigration Officer corrects a decision under subsection (1) the Chief Immigration Officer shall give notice in writing to the person who is the subject of the decision.

Absolute liability

44. A requirement that a person pay an administrative penalty applies even if the person exercised due diligence to prevent the contravention or failure in relation to which the administrative penalty is imposed.

Assessment of quantum of administrative penalty

45.(1) In establishing the amount of an administrative penalty in a particular case, the Chief Immigration Officer shall consider the following matters, if applicable

- (a) the nature of the contravention or failure;
- (b) the real or potential adverse effect of the contravention or failure;
- (c) whether the contravention or failure was deliberate;
- (d) any economic benefit derived by the person from the contravention or failure;
- (e) whether the person exercised due diligence to prevent the contravention or failure;
- (f) the person's efforts to correct the contravention or failure;
- (g) the person's efforts to prevent the recurrence of the contravention or failure; and
- (h) any other factors that, in the opinion of the Chief Immigration Officer, are relevant.

(2) If the contravention or failure continues for more than one day, separate administrative penalties, each not exceeding the applicable maximum administrative penalty, may be imposed for each day the contravention or failure continues.

Deadline for payment of administrative penalty

46. A person who is the subject of a decision made under this Part shall pay the administrative penalty within 30 days after the later of

- (a) the date the decision is served on the person;
- (b) if the decision was corrected under section 43, the date in which the person received the notice of correction;

- (c) if the person appeals the imposition of the administrative penalty
 - (i) the date the person receives a copy of the order of the High Court, if the High Court confirms or varies the administrative penalty; or
 - (ii) the date on which a new decision is served on the person if the High Court sends the matter back to the Chief Immigration Officer with directions.

Administrative penalty to constitute a debt to the State

47. The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate for District 'A'.

Consolidated Fund

48. All revenue derived from administrative penalties shall be paid into the Consolidated Fund.

Limitation period

- 49.** A notice under section 39 may not be served more than 3 years after
- (a) the date the alleged contravention to which the notice relates occurred; or
 - (b) the date on which evidence of the alleged contravention first came to the knowledge of the Chief Immigration Officer.

PART VIII

MISCELLANEOUS

Requirement to submit information electronically

50. Information required to be submitted under this Act shall be submitted electronically.

Immunity

51.(1) Subject to subsection (2), person acting under the direction of the Chief Immigration Officer or PIU shall not be held liable for any direct, indirect, incidental, consequential, or special damages including financial loss, personal injury, or reputational harm, arising from or in connection with the collection, receipt, processing, use, disclosure, or transfer of API and PNR data.

(2) Subsection (1) shall not apply to any act or omission arising from negligence or wilful misconduct.

Regulations

52.(1) The Minister may make regulations to give effect generally to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make regulations

- (a) to provide for procedures for the gathering of information and the collaboration and sharing of information with the agencies mentioned in this Act;
- (b) determining the composition, procedural operations, institutional and other arrangements of the PIU to ensure its effective and efficient operations;

- (c) designating the Chief Immigration Officer to receive API and PNR data;
- (d) establishing approved watchlists or criteria and databases to be used for national processing in conjunction with API and PNR data; and
- (e) relating to any other matter required to be prescribed under this Act.

Non-imposition of penalties for incomplete, delayed, or erroneous messages resulting from technical issue

53. Notwithstanding any provision of this Act or any statutory instruments made under this Act, an aircraft or vessel operator shall not be penalised or held otherwise responsible for incomplete, delayed, or erroneous messages resulting from a technical issue.

Amendment of the *Schedules*

54. The Minister may, by Order, amend the *Schedules*.

Commencement

55. This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE*(Sections 2, 7(1), 24(4) and 54)**Passenger Name Record (PNR) Data Elements*

- 1.(1)** Passenger Name Record or PNR Data
- (a)* PNR record locator;
 - (b)* date of reservation or date of issue of ticket;
 - (c)* date(s) of intended travel;
 - (d)* name(s);
 - (e)* address and contact information (telephone number, e-mail address);
 - (f)* all forms of payment information, including billing address;
 - (g)* complete travel itinerary for specific PNR;
 - (h)* frequent flyer information;
 - (i)* travel agency or travel agent;
 - (j)* travel status of passenger, including confirmations, checkin status, no show or go show information;
 - (k)* split or divided PNR information;
 - (l)* general remarks (including all available information on unaccompanied children less than eighteen years of age, such as name and gender of the minor, language(s) spoken, name and contact details of the guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent);
 - (m)* ticketing field information, including ticket number, date of ticket issuance and one-way tickets, automated ticket fare quote fields;

- (n) seat number and other seat information;
 - (o) code share information;
 - (p) all baggage information;
 - (q) number and other names of travellers on PNR;
 - (r) any API data collected;
 - (s) all historical changes to the PNR listed in paragraphs (a) to (r).
- (2) Additional data elements:
- (a) visa number (if applicable);
 - (b) issue date of visa (place where visa is issued);
 - (c) place of issuance of the visa (place where visa was issued);
 - (d) other document number used for travel (if applicable) (the other document number used for travel when the official travel document is not required);
 - (e) type of other document used for travel (supporting travel document) (indicator to identify the type of other document used for travel);
 - (f) primary residence:
 - (i) country of primary residence (country where passenger resides most of the year);
 - (ii) address (location identification such as street name and number);
 - (iii) city;
 - (iv) state or province or county;
 - (v) postal code;
 - (g) Destination Address:
 - (i) address where the passenger will be staying in the territory of disembarkation;

- (ii) city;
 - (iii) state or province or county;
 - (iv) postal code.
- (3) Data relating to the Reporting Party:
 - (a) reporting party name;
 - (b) reporting party telephone number;
 - (c) reporting party facsimile number;
 - (d) reporting party electronic mail address.

SECOND SCHEDULE

(Sections 22(3), 25 and 54)

Time lines for Electronic Submission of PNR data by a Captain or Agent of an Aircraft

Time lines for Electronic Submission of PNR

1. A captain or agent of an aircraft shall transfer PNR data to the competent authority and IMPACS by electronic means via the CEMSIW in accordance with the following time lines:

- (a) 48 hours before the scheduled flight departure time;
- (b) 24 hours before the scheduled flight departure time;
- (c) time zero which represents the actual time of departure where flight closure has been completed, that is once the passengers and crew have boarded the aircraft in preparation for departure and it is no longer possible for passengers and crew to board or leave;
- (d) in the event of technical failure or difficulty, by any other appropriate means with a tolerance of 45 minutes after the departure ensuring the same level of technical and organisational security.

Flight cancellation

- 2.(1) Where a flight is cancelled, submissions in keeping with the time lines referred to in paragraph 1 prior to the cancellation are still required
- (2) Only submissions due after the time of cancellation are not required.

Emergency situations

3. A captain or agent of an aircraft shall submit PNR data to the competent authority and IMPACS by electronic means via the CEMSIW as soon as practicable where deemed necessary by the competent authority.

THIRD SCHEDULE

(Sections 7(1), 23(3), 25 and 54)

Time lines for Electronic Submission of PNR Data by a Master or Agent of a Vessel or Flight

The API and PNR data shall be submitted to the Chief Immigration Officer and IMPACS by electronic means via the CEMSIW in accordance with the following time lines:

- (a) 48 hours before the scheduled voyage or flight departure time;
- (b) 24 hours before the scheduled voyage or flight departure time;
- (c) time zero which represents the actual time of departure, that is, once the passengers and crew have boarded the vessel or flight in preparation for departure and it is no longer possible for passengers and crew to board or leave;
- (d) in the event of technical failure or difficulty, by any other appropriate means with a tolerance of 15 minutes after the departure ensuring the same level of technical and organisational security;
- (e) where a voyage or flight is cancelled, submissions in keeping with the time frames articulated above prior to the cancellation are still required and only submissions due after time of cancellation are not required;
- (f) in emergency situations, submissions shall be made as soon as practicable where deemed necessary by the Chief Immigration Officer.

FOURTH SCHEDULE

(Sections 2, 7(4), 15, 17 and 54)

Advance Passenger Information and Passenger Name Record Act, 2026 (Act 2026-)

Advance Passenger Information Data Elements and Embarkation and Disembarkation Data Elements

AIRCRAFT

- 1.(1) Data relating to the flight (Header Data):
 - (a) Flight Identification
(IATA or ICAO Airline code and flight number, Registration Number);
 - (b) Scheduled Departure Date
(Date of Scheduled departure of aircraft based on local time of departure location);
 - (c) Scheduled Departure Time
(Time of scheduled departure of aircraft based on local time of departure location);
 - (d) Scheduled Arrival Date
(Date of scheduled arrival of aircraft based on local time of arrival location);
 - (e) Scheduled Arrival Time
(Time of scheduled arrival of aircraft based on local time of arrival location); and
 - (f) Last Place or Port of Call of Aircraft
(Aircraft departed from this last foreign place or port of call to go to "place or port of aircraft initial arrival)";

Fourth Schedule - (Cont'd)

- (g) Place or Port of Aircraft Initial Arrival
(Place or port in the country of destination where the aircraft arrives from the last place or port of call of aircraft);
- (h) Subsequent Place or Port of Call within the country or regional space;
- (i) Number of persons on board including
 - (i) the total number of passengers on board; and
 - (ii) the total number of crew members.
- (2) Data relating to each individual on board:
 - (a) Official Travel Document Number
(Passport or other Government approved travel documents);
 - (b) Issuing State or Organisation of the Official Travel Document
(Name of State or Organisation responsible for the issuance of the official travel document);
 - (c) Official Travel Document Type
(Indicator to identify type of official travel document);
 - (d) Expiration Date of Official Travel Document
(Expiration date of the official travel document);
 - (e) Surname or given name(s)
(Family name and given name(s) of the holder as it appears on the travel document);
 - (f) Nationality
(Nationality of the holder of the travel document);
 - (g) Date of Birth
(Date of birth of the holder);

Fourth Schedule - (Cont'd)

- (h) Gender
(Gender of the holder);
 - (i) Traveller's Status
(Passenger, crew, in-transit);
 - (j) Place or Port of Original Embarkation
(Place or port on that journey where traveller first boarded for foreign travel);
 - (k) Port or Place of Clearance
(Place or port where the traveller is cleared by the border control agencies); and
 - (l) Place or Port of Onward Foreign Destination
(Foreign place or port where the traveller is transiting).
- (3) Data relating to the Reporting Party:
- (a) Reporting Party Name;
 - (b) Reporting Party Telephone Number;
 - (c) Reporting Party Facsimile Number; and
 - (d) Reporting Party Electronic Mail Address.

VESSEL

- 2.(1) Data relating to the voyage (Header Data):
- (a) Vessel Identification
(IMO or Registration number);
 - (b) Country of Registration
(Country where the vessel is registered);

Fourth Schedule - (Cont'd)

- (c) Agent or Owner (where applicable)
(Name of Agent for the vessel or where no Agent, Name of Owner);
- (d) Call Sign (if applicable);
- (e) Scheduled Departure Date
(Date of Scheduled departure of vessel based on local time of departure location);
- (f) Scheduled Departure Time
(Time of scheduled departure of vessel based on local time of departure location);
- (g) Scheduled Arrival Date
(Date of scheduled arrival of vessel based on local time of arrival location);
- (h) Scheduled Arrival Time
(Time of scheduled arrival of vessel based on local time of arrival location);
- (i) Last Place or Port of Call of Vessel
(Vessel departed from this last foreign place or port of call to go to "place or port of vessel initial arrival");
- (j) Place or Port of Vessel Initial Arrival
(Place or port in the country of destination where the vessel arrives from the last place or port of call of vessel);
- (k) Subsequent Place or Port of Call within the country or regional space; and
- (l) Number of persons on board including
 - (i) the total number of passengers on board; and
 - (ii) the total number of crew members.

Fourth Schedule - (Cont'd)

(2) Data relating to each individual on board:

- (a) Official Travel Document Number
(Passport or other Government approved travel documents);
- (b) Issuing State or Organisation of the Official Travel Document
(Name of State or Organisation responsible for the issuance of the official travel document);
- (c) Official Travel Document Type
(Indicator to identify type of official travel document);
- (d) Expiration Date of Official Travel Document
(Expiration date of the official travel document);
- (e) Surname or given name(s)
(Family name and given name(s) of the holder as it appears on the travel document);
- (f) Nationality
(Nationality of the holder of the travel document);
- (g) Date of Birth
(Date of birth of the holder);
- (h) Gender
(Gender of the holder);
- (i) Traveller's Status
(Passenger, crew, in-transit);
- (j) Place or Port of Original Embarkation
(Place or port on that journey where traveller first boarded for foreign travel);
- (k) Port or Place of Clearance
(Place or port where the traveller is cleared by the border control agencies); and
- (l) Place or Port of Onward Foreign Destination
(Foreign place or port where the traveller is transiting).

Fourth Schedule - (Cont'd)

(3) Data relating to the Reporting Party:

- (a) Reporting Party Name;
- (b) Reporting Party Telephone Number;
- (c) Reporting Party Facsimile Number; and
- (d) Reporting Party Electronic Mail Address.

EMBARKATION AND DISEMBARKATION DATA**3.(1)** Data elements relating to flight or voyage information:

- (a) Residential status;
- (b) Vessel Type;
- (c) Airline or Vessel name;
- (d) Airline or Vessel registration ID;
- (e) Country of embarkation;
- (f) Port of embarkation; and
- (g) Intended date of arrival.

(2) Data elements relating to personal information:

- (a) First name;
- (b) Last name;
- (c) Gender;

fourth Schedule - (Cont'd)

- (d) Date of birth;
 - (e) Nationality;
 - (f) Country of birth;
 - (g) Country of residence;
 - (h) Zip code;
 - (i) State;
 - (j) City;
 - (k) Address;
 - (l) Email address;
 - (m) Telephone number; and
 - (n) Approval of processing information.
- (3) Data elements relating to Travel Document Information:
- (a) Travel Document Type;
 - (b) Travel Document Number;
 - (c) Travel Document Issue Country;
 - (d) Travel Document Expiry Date; and
 - (e) Proof of Travel Document.

Fourth Schedule - (Cont'd)

(4) Data elements relating to destination information:

- (a) purpose of visit;
- (b) accommodation type;
- (c) other accommodation type;
- (d) destination name;
- (e) destination address;
- (f) destination city; and
- (g) length of stay.

(5) Data elements relating to health information:

- (a) symptoms over the past 7 days; and
- (b) countries visited within the last 21 days.

(6) Data elements relating to customs:

- (a) total pieces of luggage;
- (b) plants and livestock;
- (c) pharmaceuticals;
- (d) narcotics;
- (e) weapons;

Fourth Schedule - (Concl'd)

- (f) commercial merchandise;
- (g) currency;
- (h) animal products;
- (i) disease agents;
- (j) soil; and
- (k) items to declare.

FIFTH SCHEDULE

(Sections 15,16, 18 and 54)

*Time frames for submission of Advance Passenger Information Data Elements
and Embarkation and Disembarkation Data Elements*

Time frame for submission of API

- 1.(1) The time frame for the submission of API shall be in the case of
- (a) a commercial aircraft, no later than 40 minutes prior to departure from the last port of call;
 - (b) a private aircraft, no later than 40 minutes prior to the departure from the last port of call;
 - (c) a vessel arriving from outside the regional space, no later than 24 hours prior to arrival;
 - (d) a vessel arriving from a destination within the regional space, no later than 1 hour prior to the arrival of the vessel from the last port of call;
- (2) In the event of any changes to the flight or vessel header data or data relating to an individual on board, an updated API file is required prior to departure of the aircraft or vessel.
- (3) In emergency situations, submissions shall be made as soon as practicable where deemed necessary by the competent authority.

Time frame for submission of Embarkation and Disembarkation data

2. Passengers and crew shall be required to submit embarkation and disembarkation data within 72 hours (including the day of arrival or departure) prior to their arrival into and departure from Barbados.

SIXTH SCHEDULE*(Sections 23(8) and 54)*

Data Elements to be submitted under the FAL Convention



Advance Passenger Information and Passenger Name Record Act, 2026
 (Act 2026-)

GENERAL DECLARATION
 (IMO FAL Form 1)

		☐ Arrival ☐ Departure
1.1 Name and type of ship		1.2 IMO number
1.3 Call sign		1.4 Voyage number
2. Port of arrival/departure		3. Date and time of arrival/departure
4. Flag State of ship	5. Name of master	6. Last port of call/Next port of call
7. Certificate of registry (Port; date; number)		8. Name and contact details of ship's agent
9. Gross tonnage	10. Net tonnage	

Sixth Schedule - (Cont'd)

11. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)		
12. Brief description of the cargo		
13. Number of crew	14. Number of passengers	15. Remarks
Attached documents (indicate number of copies)		
16. Cargo Declaration	17. Ship's Stores Declaration	
18. Crew List	19. Passenger List	20. The ship's requirements in terms of waste and residue reception facilities
21. Crew's Effects Declaration (only on arrival)	22. Maritime Declaration of Health (only on arrival)	
23. Date and signature by master, authorized agent or officer		

For official use

Sixth Schedule - (Cont'd)

CARGO DECLARATION
(IMO FAL Form 2)

		☐ Arrival ☐ Departure	Page Number
1.1 Name of ship		1.2 IMO number	
1.3 Voyage number		2. Port where report is made	
3. Flag State of ship		4. Name of master	
5. Port of loading/Port of discharge			
B/L No.	6. Marks and Numbers	7. Number and kind of packages; description of goods or, if available, the HS Code	8. Gross Weight
	10. Date and signature by master, authorized agent or officer		

Sixth Schedule - (Cont'd)

SHIP'S STORES DECLARATION
(IMO FAL Form 3)

		☐ Arrival ☐ Departure	Page Number
1.1 Name of ship		1.2 IMO number	
1.3 Call sign		1.4 Voyage number	
2. Port of arrival/departure		3. Date of arrival/departure	
4. Flag State of ship		5. Last port of call/Next port of call	
6. Number of persons on board		7. Period of stay	
8. Name of article	9. Quantity	10. Location on board	11. Official use
12. Date and signature by master, authorized agent or officer			

Sixth Schedule - (Cont'd)

CREW'S EFFECTS DECLARATION
(IMO FAL Form 4)

					Page Number
1.1 Name of ship			1.2 IMO number		
1.3 Call sign			1.4 Voyage number		
2. Flag State of ship					
3. No.	4. Family name	5. Given names	6. Rank or rating	7. Effects ineligible for relief from customs duties and taxes or subject to prohibitions or restrictions	8. Signature
9. Date and signature by master, authorized agent or officer					

☐ Arrival ☐ Departure						Page Number
1.1 Name of ship		1.2 IMO number		1.3 Call sign	1.4 Voyage number	
2. Port of arrival/departure		3. Date of arrival/departure		4. Flag State of ship	5. Last port of call	
6. No.	7. Family name	8. Given names	9. Rank or rating	10. Nationality	11. Date of birth	12. Place of birth
14. Nature of identity document						
15. Number of identity document						
16. Issuing State of identity document						
17. Expiry date of identity document						
18. Date and signature by master, authorized agent or officer						

Sixth Schedule - (Cont'd)

PASSENGER LIST
(IMO FAL Form 6)

1.1 Name of ship		1.2 IMO number		☐ Arrival ☐ Departure		Page Number	
1.4 Voyage number		2. Port of arrival/departure		3. Date of arrival/departure		1.3 Call sign	
5. Family name	6. Given names	7. Nationality	8. Date of birth	9. Place of birth	10. Gender	11. Type of identity or travel document	12. Serial number of identity or travel document
							13. Issuing State of identity or travel document
14. Expiry date of identity or travel document							
15. Port of embarkation							
16. Visa number if appropriate							
17. Port of disembarkation							
18. Transit passenger or not							
19. Date and signature by master, authorized agent or officer							

Sixth Schedule - (Concl'd)

DANGEROUS GOODS MANIFEST

(IMO FAL Form 7)

(As required by SOLAS 74, chapter VII, regulations 4.2 and 7-2.2, MARPOL, Annex III, regulation 4.2 and chapter 5.4, paragraph 5.4.3.1 of the IMDG Code)

1.1 Name of ship		1.2 IMO number		1.3 Call sign		Page Number
1.4 Voyage number		2. Flag State of ship		3. Port of loading		4. Port of discharge
5. Stowage Position	6. Reference Number	7. Marks & Numbers - Freight container Identification No(s) - Vehicle registration No(s).	8. UN Number	9. Proper Shipping Name (Technical Specifications)	10. Class/ (Subsidiary Risk(s))	11. Packing Group
						12. Additional Information/ Marine Pollutant/ Flash point/ etc.
13. Number and kind of packages						
14. Mass (kg) or Volume (L)						
15. EmS						
16. Shipping Agent						
16.1 Place and date						
Signature of Agent						

Read three times and passed the House of Assembly this
day of _____, 2026.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2026.

President