

ICAO ANNEX 9, CHAPTER 9, PART D
PASSENGER NAME RECORD (PNR) DATA: STANDARDS AND RECOMMENDED PRACTICES

COMPLIANCE STATEMENT: NEW ZEALAND

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<p>9.1 Contracting States requiring the exchange of Advance Passenger Information (API)/interactive API (iAPI) and/or Passenger Name Record (PNR) data from aircraft operators shall create a Passenger Data Single Window facility for each data category, or both data categories combined, that allows parties involved to lodge standardized information with a common data transmission entry point to fulfil all related passenger and crew data requirements for that jurisdiction.</p>	<p>The New Zealand Customs Service (Customs) provides the technical infrastructure to receive PNR and API data on behalf of all New Zealand border agencies. Aircraft operators can send their PNR and/or API data via their reservation system provider which will connect to Customs' system.</p> <p>Customs has a Passenger Data Single Window for passengers and crew data called the Traveller Journey Index. The API and PNR data transferred to the Traveller Journey Index, operated by Customs, is made available to all relevant New Zealand border agencies or authorities. Aircraft operators are not required to provide the same information to multiple authorities.</p>
<p>9.1.1 Recommended Practice.— <i>Contracting States requiring the exchange of passenger and crew data from aircraft operators should consider creating a Passenger Data Single Window facility for both data categories combined.</i></p>	<p>See 9.1</p>
<p>9.2 Recommended Practice.— <i>Contracting States and aircraft operators should provide the appropriate level, on a 24/7 (continuous) basis, of operational and technical support to analyse and respond to any system outage or failure in order to return to standard operations as soon as practicable.</i></p>	<p>Customs, through the Integrated Targeting and Operations Centre, provides a 24/7 point of contact for airlines to advise of any issues. This contact may be used to resolve both technical and operational issues requiring assistance from a New Zealand border agency.</p>
<p>9.3 Recommended Practice.— <i>Contracting States and aircraft operators should establish and implement appropriate notification</i></p>	<p>New Zealand has established and implemented appropriate notification, contingency and recovery processes in the event of scheduled maintenance and non-scheduled system outages of New Zealand's passenger data processing system.</p>

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<i>and recovery procedures for both scheduled maintenance of information systems and non-scheduled system outages or failures.</i>	
9.4 Recommended Practice. — <i>Contracting States and aircraft operators should provide the appropriate level (where practicable, a 24/7 arrangement) of contact support.</i>	See 9.2
9.5 Contracting States shall not require aircraft operators to provide non-standard data elements as part of API, iAPI and/or PNR provisions.	New Zealand does not require non-standard data elements.
9.6 Contracting States shall, when considering requiring elements that deviate from the standard, submit a request to the WCO/IATA/ICAO Contact Committee in conjunction with the WCO's Data Maintenance Request (DMR) process via a review and endorsement process for inclusion of the data element in the guidelines.	If New Zealand requires a non-standard data element, it will not do so without also submitting a Data Maintenance Request to the WCO/IATA/ICAO Contact Committee.
9.24 Each Contracting State shall:	
(a) develop a capability to collect, use, process and protect Passenger Name Record (PNR) data for flights to and from its territory supported by appropriate legal and administrative framework (such as, <i>inter alia</i> , legislation, regulation or decree), and be consistent with all Standards contained in Section D, Chapter 9, Annex 9;	New Zealand processes PNR data in accordance with the relevant New Zealand legislation including the Customs and Excise Act 2018, Immigration Act 2009, Biosecurity Act 1993 and the Privacy Act 2020.
(b) align its PNR data requirements and its handling of such data with the guidelines contained in ICAO Doc 9944, Guidelines on Passenger Name Record (PNR) Data, and in PNRGOV message implementation guidance materials published and updated by the WCO and endorsed by ICAO and IATA; and	New Zealand's PNR data requirements and handling of PNR data aligns with ICAO Doc 9944 and the PNRGOV message implementation guidance materials.

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(c) adopt and implement the PNRGOV message for airline-to-government PNR data transferal to ensure global interoperability.	<p>New Zealand's PNR policy statement specifies that airlines must provide PNR data using the latest version of the PNRGOV EDIFACT or XML message administered by IATA's Passenger and Airport Data Interchange Standards (PADIS) Board.</p> <p>This message structure and content meets border agency data requirements and is designed to minimise the burden for airlines by providing a consistent international approach.</p>
9.25 Contracting States shall, with full respect for human rights and fundamental freedoms:	
(a) clearly identify in their legal and administrative framework the PNR data to be used in their operations;	<p>Section 5 and 49 of the Customs and Excise Act 2018 defines PNR and the data to be used for the purposes under that Act.</p> <p>Section 5</p> <p><i>PNR, in relation to any person, means the electronic record created by a commercial transportation operator for a journey booked by or for the person, which typically includes the following information:</i></p> <ul style="list-style-type: none"> (a) <i>the person's name;</i> (b) <i>the person's contact details;</i> (c) <i>the place where the person, or another person, booked the intended travel;</i> (d) <i>the date on which the person, or another person, booked the intended travel;</i> (e) <i>the name of any other person with whom the person intends to travel;</i> (f) <i>whether the person paid for their own intended travel and the manner of payment;</i> (g) <i>the person's travel movements before the intended travel;</i> (h) <i>any change in the person's travel from the travel originally booked;</i> (i) <i>whether the person has checked baggage</i> <p>Section 49 subsection 1</p> <p>(1) <i>The chief executive may, by notice in writing, require a commercial transportation operator to provide PNR information</i></p>

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	<p>Section 49 subsection 6</p> <p><i>(6) The chief executive must have regard to the standards and recommended practices for the conduct of the international civil aviation system established by the International Civil Aviation Organization when specifying—</i></p> <p style="padding-left: 40px;"><i>(a) the information required to be provided by the commercial transportation operator; and</i></p> <p style="padding-left: 40px;"><i>(b) the way in which that information is to be provided</i></p> <p>Section 102 of the Immigration Act 2009 which creates an obligation for information provision (aligning to PNR data) by certain persons in respect of craft travelling to or from New Zealand.</p> <p>Regulation 6 of the Immigration (Carriers' Information Obligations) Regulations 2010 prescribes that information:</p> <p><i>For the purposes of section 102 of the Immigration Act, a person (being a carrier or person in charge of a commercial craft) must provide or make available the following information about every person who intended to board the craft for the purpose of travelling to, or from, New Zealand, whether or not they did in fact board the craft:</i></p> <p style="padding-left: 40px;"><i>(a) any information prescribed under regulation 4(2);</i></p> <p style="padding-left: 40px;"><i>(b) the person's full name;</i></p> <p style="padding-left: 40px;"><i>(c) all contact details for the person, including telephone numbers and all contact, destination, and email addresses;</i></p> <p style="padding-left: 40px;"><i>(d) where, on what date, and with whom the person's intended travel was booked;</i></p> <p style="padding-left: 40px;"><i>(e) the name, location, and contact details of any travel or booking agent and agency who booked the intended travel for the person, including the travel or booking agent's or agency's identifiers;</i></p> <p style="padding-left: 40px;"><i>(f) the date on which the person intends or intended to travel;</i></p>

	<p>(g) all details of the person's travel itinerary, including all transport segments before and after the intended travel;</p> <p>(h) whether the date or any route or segment of the person's travel itinerary was changed, or whether any route or segment of the itinerary was cancelled or the person failed to undertake that travel, and the dates and details relating to any change or cancellation;</p> <p>(i) with whom, if anyone, the person intends or intended to travel, including the name of any travel group;</p> <p>(j) whether the travel itinerary of a person with whom the person intends or intended to travel has changed, and the dates and details relating to any change;</p> <p>(k) whether the person paid for their own intended travel, and the form and manner of payment;</p> <p>(l) information related to the payment for the intended travel, including credit card details, billing address, payment details, and the Internet Protocol address for the computer used to make the payment;</p> <p>(m) the date(s) on which all tickets for the person's intended travel were issued;</p> <p>(n) the person's ticketing information, including ticket class or type, ticket numbers, tickets reissued or upgraded, ticketing agent details, and ticketing location;</p> <p>(o) the person's frequent flyer number, type, and status;</p> <p>(p) the person's travel class type for the intended travel;</p> <p>(q) the name of the carrier or person in charge of the craft on which the person intends or intended to travel, the flight number of the craft, and the details of any other carrier operating a code-share flight with that flight;</p> <p>(r) whether the person has checked baggage for the intended travel and, if so, the number of checked items and the details about each item, including their weight, identification numbers, pooled baggage status, boarding point, and destination;</p> <p>(s) the seat number allocated to the person for the intended travel and the details relating to any change to the seat allocation;</p> <p>(t) the details about the person's travel status for the intended travel, including standby or staff status and timing and sequence of check-in and boarding;</p>
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	<p>(u) <i>all service information, including whether the person has made any service requests for the intended travel and, if so, the details of those requests;</i></p> <p>(v) <i>any changes made to any of the information that is specified in this regulation after the intended travel was booked;</i></p> <p>(w) <i>a description of the location of the information about the person that is specified in this regulation (including any electronic address for the information).</i></p>
<p>(b) clearly set the purposes for which PNR data may be used by the authorities which should be no wider than what is necessary in view of the aims to be achieved, in particular for border security purposes to fight terrorism and serious crime; and</p>	<p>Section 47 of the Customs and Excise Act 2018 states that the chief executive of Customs may only require PNR information for certain purposes, including:</p> <p>(a) <i>the carrying out of any function of the chief executive, Customs, or a Customs officer under this Act (other than subpart 6 of Part 5);</i></p> <p>(b) <i>the prevention, detection, investigation, prosecution, and punishment of offences that are, or that if committed in New Zealand would be customs offences of any kind or other offences punishable by imprisonment;</i></p> <p>(c) <i>the processing of international passengers at the border by public authorities;</i></p> <p>(d) <i>the protection of border security;</i></p> <p>(e) <i>the protection of the health and safety of members of the public.</i></p> <p>Customs may only use PNR information for the purpose(s) listed above and in section 47, or for other lawful purposes relating to or connected with the carrying out of a Customs function under the Customs and Excise Act 2018 or other enactment.</p> <p>The Immigration Act (section 3) and the Biosecurity Act (section 17) also specify that those Acts allow requirements to be set that apply to persons arriving (or intending to arrive) in New Zealand for the purposes of managing immigration aspects of border control and the effective management of risks associated with importing risk goods.</p> <p>Section 102(1) of the Immigration Act 2009 sets out the purpose of the provision of PNR data under that Act is to facilitate:</p> <p>(a) <i>the exercise or performance of powers, functions, or duties under this Act;</i></p>

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<p>(c) limit the disclosure of PNR data to other authorities in the same State or in other Contracting States that exercise functions related to the purpose for which PNR data are processed, including in particular border security purposes, and ensure comparable protections as those afforded by the disclosing authority.</p>	<p><i>(b) the prevention, detection, investigation, prosecution, and punishment of immigration offences;</i> <i>(c) the protection of border security.</i></p> <p>The provisions of the Privacy Act 2020 apply to New Zealand border agencies disclosure of PNR information (to other authorities or to other States). Unless otherwise authorised, required, or regulated as provided in section 24 of that Act, Information Privacy Principles 11 and 12 limit and govern any disclosure of personal information held by each agency, including overseas.</p> <p>Section 316 of the Customs and Excise Act 2018 prescribes a method for disclosing information (including PNR data) with other government agencies under that Act.</p> <p>Information may only be shared under section 316 in accordance with a written agreement entered into by Ministers after consultation with the Privacy Commissioner. Agreements to share information under section 316 can only allow the sharing of PNR information for the purpose of assisting the government agency to carry out its functions related to, or involving, the following:</p> <ul style="list-style-type: none"> <i>(i) the prevention, detection, investigation, prosecution, or punishment of offences</i> <i>(ii) the prevention, detection, or investigation of any potential, suspected, or actual terrorist act or facilitation of a terrorist act:</i> <i>(iii) the protection of national security:</i> <i>(iv) the processing of international passengers:</i> <i>(v) the protection of border security:</i> <i>(vi) the protection of public revenue: or</i> <i>(vii) the protection of public health and safety</i> <p>A written agreement setting out this disclosure of information must specify–</p> <ol style="list-style-type: none"> a. how the information is to be used;

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	<p>b. the positions or designations of the persons in the government agency to whom the information may be disclosed;</p> <p>c. the safeguards for protecting personal information, or commercially sensitive information, that is disclosed; and</p> <p>d. the requirements relating to storage and disposal of the disclosed information.</p> <p>Section 318 of the Customs and Excise Act 2018 sets out the circumstances and safeguards for disclosing information (including PNR data) with overseas authorities (including other Contracting States).</p> <p>This information can be disclosed to an overseas authority to assist the overseas authority to carry out its functions related to, or involving:</p> <ul style="list-style-type: none"> (a) <i>the prevention, detection, investigation, prosecution, or punishment of offences</i> (b) <i>the processing of international passengers</i>: (c) <i>the protection of border security</i>: (d) <i>the enforcement of a law imposing a pecuniary penalty</i>; (e) <i>the protection of public health and safety</i>; or (f) <i>the protection of public revenue</i>. <p>A written agreement setting out this disclosure of information must specify—</p> <ul style="list-style-type: none"> a. how the information is to be used; b. the safeguards for protecting personal information, or commercially sensitive information, that is disclosed; and c. the requirements relating to storage and disposal of the disclosed information. <p>PNR provided for the purposes set out in section 102 of the Immigration Act is permitted to be retained for those purposes. Sections 302, 303, 303A, 303B and 303C set out specific</p>

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	<p>circumstances and safeguards for disclosing information (including PNR data) with certain other government agencies under that Act.</p> <p>Information can be disclosed (including in order to receive information) with agencies who carry out functions related to, or involving, the prevention, detection, investigation, prosecution, or punishment of offences, or the protection of border security for either:</p> <ul style="list-style-type: none"> • the purpose of checking of identity, character and status of a person. • for purposes of law enforcement, counter-terrorism, and security. <p>Disclosure of information under any of these provisions requires a written agreement between the parties that must specify matters including—</p> <ol style="list-style-type: none"> a. how the information is to be used; b. safeguards for protecting personal information; and c. the requirements relating to storage and disposal of the disclosed information. <p>Section 305 of the Immigration Act 2009 sets out the circumstances and safeguards for disclosing information listed in section 306 (which may include PNR data) with overseas authorities (including other Contracting States) whose functions include the prevention, detection, investigation, prosecution, or punishment of immigration or other offences; the processing of international passengers; or border security.</p> <p>Disclosure of information under this provision is permitted subject to a written agreement between the parties that must specify matters including how the information is to be used; criteria for disclosure; and restrictions on further disclosure. An agreement may not be entered into unless it is justified to help prevent, identify, or respond to violations of New Zealand law or, (in an agreement with an international agency or body) to help them prevent, identify, or respond to the kinds of actions that the agency or body has a function of preventing, identifying, or responding to; or in any other case, to help prevent, identify, or respond to violations of the law of the state concerned.</p>

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	<p>Disclosure of information under this section outside of a written agreement with an overseas party is permitted but on the more restricted basis of being satisfied the information relates to a suspected violation of New Zealand law, or a suspected action of the kind the overseas agency or body has a function of preventing, identifying, or responding to, or in any other case, to a suspected violation of the law of the state concerned.</p> <p>Information may also be disclosed in the absence of a written agreement, but only where a Privacy Act 2020 exception applies.</p>
9.26 Contracting States shall:	
<p>(a) prevent unauthorised access, disclosure and use of PNR data and their legal and administrative framework shall provide penalties for misuse, unauthorised access, and unauthorised disclosure;</p>	<p>New Zealand border agencies have implemented appropriate technical measures to protect personal information contained in PNR data against accidental, unlawful or unauthorised destruction, loss, disclosure, alteration, access, processing or use. PNR data is only accessed by designated and specifically trained officers within each border agency.</p> <p>The provisions of the Privacy Act 2020 also apply to New Zealand border agencies' access, use, storage and security of PNR information.</p> <p>Section 329 of the Customs and Excise Act provides for a specific offence for unlawful, unauthorised and/or improper access to, use of or disclosure of information, including personal data.</p> <p>Corrupt use of official information by officials, and the use or disclosure of any personal information received through the corrupt use of official information, are serious offences under sections 105A and 105B of the Crimes Act 1961.</p>
<p>(b) ensure the safeguards applied to their collection, use, processing and protection of PNR data apply to all individuals without unlawful differentiation;</p>	<p>Section 3 and 19 of the Bill of Rights Act 1990 sets out the right to freedom from discrimination. This applies to the legislative, executive and judicial branches of the New Zealand Government, or any person or body performing any public function, power or duty conferred or imposed by law. However, this right can be justifiably limited.</p>

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	Section 19 of the Bill of Rights Act 1990 also specifies that measures taken in good faith for the purpose of assisting or advancing disadvantaged persons or groups because of discrimination does not constitute discrimination.
(c) take measures to ensure individuals are informed about the collection, use, processing and protection of PNR data and related privacy standards employed;	New Zealand border agencies provide information on their public websites on the purposes for the collection and use of PNR data by them including information on how to request access and correction.
(d) take measures to ensure that aircraft operators inform their customers about the transfer of PNR data;	Information Privacy Principle 3 in the Privacy Act 2020 sets out the obligation of agencies (including aircraft operators) to inform and ensure the individual concerned is aware of the intended recipients of the information. This includes the transfer of PNR data to New Zealand border agencies.
(e) provide for administrative and judicial redress mechanisms to enable individuals to seek a remedy for the unlawful processing of their PNR data by public authorities; and	<p>The Privacy Commissioner is responsible for monitoring and enforcing compliance with the Privacy Act 2020 to protect the fundamental rights and freedoms of individuals in relation to their personal information.</p> <p>The Privacy Commissioner can investigate complaints about breaches of privacy, which could include the unlawful processing, use or disclosure of a person's PNR data. The Privacy Commissioner can also refer a matter to be heard before the Human Rights Review Tribunal if the matter is serious enough.</p> <p>A person may also seek a judicial review in relation to the exercise, refusal to exercise, or proposed or purported exercise by any person of a statutory power of a decision by an official or agency to have used or processed PNR in a particular way through the Judicial Review Procedure Act 2016. This process would focus on the making of a specific decision or specific use of a particular power.</p>
(f) provide for appropriate mechanisms, established by their legal and administrative framework, for individuals to obtain access to their PNR data and to request, if necessary, corrections, deletions or notations.	General rights of access to official information and personal information are conferred under the Official Information Act 1982 and information privacy principle 6 and 7 under the Privacy Act 2020 (including the rights to request, corrections, deletions, or notations). They

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	are subject to legal limitations specified within principal legislation to safeguard the investigation and prosecution of criminal offences, or to protect public or national security.
<p>9.27 Recommended Practice.— <i>Subject to necessary and proportionate restrictions, Contracting States should notify individuals of the processing of their PNR data and inform them about the rights and means of redress afforded to them as defined in their legal and administrative framework.</i></p>	New Zealand border agencies provide information on their public websites on the purposes for the collection, how the information is processed and used, and information on how individuals can request access and correction to their information.
9.28 Contracting States shall:	
<p>(a) base the automated processing of PNR data on objective, precise and reliable criteria that effectively indicate the existence of a risk, without leading to unlawful differentiation; and</p>	Internal policy documents cover the use creating alerts in the passenger stream, this includes definitions, roles and responsibilities, standards, criteria and structure. The criteria set out in the policy covers that persons must meet at least one of the outlined measures before they can be considered, those measure include an indication of risk.
<p>(b) not make decisions that produce significant adverse actions affecting the legal interests of individuals based solely on the automated processing of PNR data.</p>	New Zealand border agencies' decision-making policy outlines that decision making of this level requires a threshold of belief or suspicion to ensure that PNR data cannot be used to make this level of decision on its own. Adverse actions cannot be taken based on automated PNR processing alone as human validation is required as part of the decision-making.
<p>9.29 Contracting States shall designate one (or more) competent domestic authority(ies) as defined in their legal and administrative framework with the power to conduct independent oversight of the protection of PNR data and determine whether PNR data are being collected, used, processed and protected with full respect for human rights and fundamental freedoms.</p>	<p>The Office of the Privacy Commissioner is an Independent Crown Entity. This means they are funded by the state but acts independently of government or Ministerial control.</p> <p>The Privacy Commissioner is responsible for monitoring and enforcing compliance with the Privacy Act 2020 to protect the fundamental rights and freedoms of individuals in relation to their data and how it is collected, accessed, used and stored.</p> <p>The Privacy Commissioner can investigate complaints about breaches of privacy.</p>
9.30 Contracting States shall:	

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(a) not require aircraft operators to collect PNR data that is not required as part of their normal business operating procedures nor to filter the data prior to transmission; and	New Zealand does not require aircraft operators to collect PNR data that is not required as part of their normal business operating procedures nor to filter the data prior to transmission.
(b) not use PNR data revealing an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning their health, sexual life or sexual orientation other than in exceptional and immediate circumstances to protect the vital interests of the data subject or of another natural person. In circumstances where such information is transferred, Contracting States shall delete such data as soon as practicable.	New Zealand does not use PNR data that identifies an individual's ethnic origin, political opinion, beliefs, union membership, or sexual orientation.
9.31 Contracting States shall:	
(a) retain PNR data for a set period as defined in their legal and administrative framework which shall be that period necessary and proportionate for the purposes for which the PNR data is used;	<p>Section 51 of the Customs and Excise Act 2018 specifies that Customs must not keep PNR information provided under this Act longer than 3 years, unless—</p> <ul style="list-style-type: none"> <li data-bbox="1096 811 1814 843"><i>(a) all identifying particulars are deleted from the information; or</i> <li data-bbox="1096 859 1814 890"><i>(b) the retention of the information is required for the purpose of—</i> <ul style="list-style-type: none"> <li data-bbox="1140 906 2061 938"><i>(i) investigating and prosecuting an offence under this Act or any other enactment; or</i> <li data-bbox="1140 954 1455 986"><i>(ii) protecting border security.</i> <p>The Immigration Act 2009 states retention of PNR information is permissible for the purposes specified in section 102(1) of the Act. The provisions of the Privacy Act 2020 provide that personal information must not be kept for longer than is required for the purposes for which the information may lawfully be used.</p>
(b) depersonalise retained PNR data, which enable direct identification of the data subject, after set periods, which do not exceed what is necessary as defined in their national laws and	See 9.31(a).

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policies, except when used in connection with an identifiable ongoing case, threat or risk related to the purposes identified in 9.25(b);	
(c) only re-personalise or unmask PNR data when used in connection with an identifiable case, threat or risk for the purposes identified in 9.25 (b); and	See 9.31(a).
(d) delete or anonymise PNR data at the end of the retention period except when used in connection with an identifiable ongoing case, threat or risk purposes identified in 9.25 (b).	See 9.31(a).
9.32 Recommended Practice. — <i>Contracting States should retain PNR data for a maximum period of five years after the transfer of PNR data, except when required in the course of an investigation, prosecution, or court proceeding.</i>	See 9.31(a).
9.33 Recommended Practice. — <i>Contracting States should depersonalise PNR data within six months of and no later than two years after the transfer of PNR data.</i>	See 9.31(a).
9.34 Contracting States shall:	
(a) as a rule, acquire PNR data using the 'push' method, in order to protect the personal data that is contained in the operators' systems and that operators remain in control of their systems;	<p>The New Zealand PNR Policy Statement requires border agencies to acquire PNR data via the 'push' method. This method requires airlines to transmit (push) the required PNR data into the database operated and accessed by New Zealand border agencies.</p> <p>New Zealand border agencies can also obtain PNR data via the 'pull' method whereby the border agency can make a request to the airlines reservation system and extract a copy of certain PNR data where that data is incomplete.</p>

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(b) seek, to the greatest extent possible, to limit the operational and administrative burdens on aircraft operators, while enhancing passenger facilitation;	The PNR data required of carriers is information already collected as part of their business operations. No operational or administrative burden is imposed on aircraft operators while facilitating passengers in relation to the collection of PNR data.
(c) not impose fines and penalties on aircraft operators for any unavoidable errors caused by a systems failure which may have resulted in the transmission of no, or corrupted, PNR data; and	If New Zealand Customs' systems are unavailable, airlines will not be penalised by New Zealand border agencies for the non-receipt of pushed PNR data. In all other circumstances the non-receipt of PNR data will be considered on a case-by-case basis. Where airlines' systems fail, any decision to penalise the airline will consider the circumstances of the failure (including whether errors were avoidable).
(d) minimise the number of times the same PNR data is transmitted for a specific flight.	<p>The New Zealand PNR Policy Statement requires airlines to push PNR data to Customs via electronic message transfer five times for each inbound and outbound flight. There are 4 pushes before schedule departure (72 hours, 12 hours, 2 hours, 1 hour) and the final push of PNR data at departure.</p> <p>At each push, the whole PNR (that is available at that time) is sent through.</p> <p>In addition to the five routine pushes, Border Agencies may request PNR data on an 'as needed' basis.</p>
9.35 Contracting States shall:	
(a) not inhibit or prevent the transfer of PNR data by an aircraft operator or other relevant party, nor sanction, impose penalties or create unreasonable obstacles on aircraft operators or other relevant parties that transfer PNR data to another Contracting State provided that Contracting State's PNR data system is compliant with the Standards contained in Section D, Chapter 9 of Annex 9; and	<p>The New Zealand PNR Policy Statement outlines the means aircraft operators or other parties must transfer PNR data.</p> <p>New Zealand's approach to enforcing airline PNR obligations emphasises the building of collaborative relationships between New Zealand border agencies and airlines to ensure full compliance with PNR-related obligations.</p> <p>Immigration New Zealand (part of the Ministry of Business, Innovation and Employment, the government department responsible for administering the Immigration Act 2009) has established an enforcement regime (the Carrier Infringement Regime) which includes PNR-</p>

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	related offences. Penalties will only be imposed if other attempts to collaboratively engage with or inform aircraft operators is ineffective.
(b) equally, retain the ability to introduce or maintain higher levels of protection of PNR data, in accordance with their legal and administrative framework and to enter into additional arrangements with other Contracting States in particular to: promote collective security; achieve higher levels of protection of PNR data, including on data retention; or establish more detailed provisions relating to the transfer of PNR data, provided those measures do not otherwise conflict with the Standards contained in Section D, Chapter 9 of Annex 9.	<p>New Zealand has a legislative framework that does retain and enable higher levels of protection, as well as additional arrangements with Contracting States for the purposes listed (when not in conflict with the Standards contained in Section D Chapter 9 of Annex 9). Clear demonstration of compliance with the Standards contained in Section D Chapter 9 of Annex 9 will provide New Zealand with assurance when considering or enabling transfers of PNR data from New Zealand.</p> <p>Section 318 of the Customs and Excise Act 2018 enables and facilitates the disclosure of information from Customs to an overseas authority for the purpose of assisting the authority to carry out its functions related to, or involving, any of the following:</p> <ul style="list-style-type: none"> (a) <i>the prevention, detection, investigation, prosecution, or punishment of offences;</i> (b) <i>the processing of international passengers at the border;</i> (c) <i>the protection of border security;</i> (d) <i>the enforcement of a law imposing a pecuniary penalty;</i> (e) <i>the protection of public health and safety; or</i> (f) <i>the protection of public revenue.</i>
9.36 Contracting States shall demonstrate, to any requesting Contracting State, their compliance with the Standards contained in Section D Chapter 9 of Annex 9. A demonstration of compliance with the PNR Standards, upon request, shall take place as soon as possible. Contracting States shall work through this process in good faith and in a timely manner.	New Zealand has developed this compliance statement to demonstrate its compliance with the Standards contained in Section D Chapter 9 of Annex 9.

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<p>9.36.1 Recommended Practice.— <i>Contracting States should allow other Contracting States compliant with the PNR Standards to receive PNR data, at least provisionally, while engaging in consultations, as necessary.</i></p>	<p>New Zealand has mechanisms for enabling the transfer of PNR data from New Zealand to other Contracting States where those Contracting States demonstrate their compliance with the PNR Standards to provide appropriate safeguards for PNR data.</p>
<p>9.37 Where Contracting States have determined they must inhibit, prevent or otherwise obstruct the transfer of PNR data or might penalize an aircraft operator, they shall do so with transparency and with the intent of resolving the situation which caused that determination.</p>	<p>New Zealand's approach to enforcing airline PNR obligations emphasises the building of collaborative relationships between New Zealand border agencies and airlines to ensure full compliance with PNR-related obligations.</p> <p>This includes utilising education and guidance levers. Penalties will be applied for the incorrect submission or the non-submissions of PNR data when no unreasonable obstacles have been identified. PNR-related offences and penalties are set out in the regulations under the Immigration Act 2009, creating the Carrier Infringement Regime administered by Immigration New Zealand.</p>
<p>9.38 Recommended Practice.— <i>Contracting States establishing a PNR program, or making significant changes to an existing program, pursuant to these SARPs, should proactively notify other Contracting States maintaining air travel between them prior to receiving data, including whether they are complying with these SARPs, to encourage or facilitate rapid consultation where appropriate.</i></p>	<p>New Zealand has no intention to make significant changes to its PNR data function. However, if New Zealand seeks to make a significant change, New Zealand will proactively notify other Contracting States to ensure sufficient and transparent consultation.</p>
<p>9.39 Recommended Practice.— <i>While attempting to resolve PNR data transfer disputes, Contracting States should not penalize aircraft operators.</i></p>	<p>See 9.37.</p>