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FIRST SCHEDULE

CONSTITUTION OF NATIONAL TRANSPLANTATION COUNCIL

SECOND SCHEDULE

FORMS

BARBADOS

I assent
J. D. BOSTIC
President of Barbados
16th July, 2026.

2026-18

An Act to provide for the removal of tissue from the body of one person, whether living or deceased, for transplantation into the body of a living person and for related matters.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Human Tissue Transplant Act, 2026*.

Interpretation

2. In this Act,

“biofluid” means a human fluid and includes cerebrospinal fluid, urine, saliva, sweat and any other substance derived from the body;

“blood” means human blood and includes any product derived from such blood;

“cell” means a human cell taken from a tissue and includes any substance derived from scientific procedures involving cells as cell explant or cell line;

“cell explant” means a cell that is taken from a tissue and organotypically cultured using explant culture;

“cell line” means a cell culture developed from a single cell and therefore consisting of cells with a uniform genetic makeup that is specific to a given organ or disease state;

“Coroner” has the meaning assigned to it by the *Coroners Act*, Cap. 113;

“Council” means the National Transplantation Council established by section 4;

“designated transplant officer” means a person appointed under section 6;

“Director of Medical Services” means a person appointed as Director of Medical Services under section 9 of the *Queen Elizabeth Hospital Act*, Cap. 54;

“disability” has the meaning assigned to it by section 2 of the *Rights of Persons with Disabilities Act, 2025* (Act 2025-3);

“donor” means a person in respect of whom, or a subject in respect of which, consent has been given for the removal of tissue from his body;

“guardian” means a person who is acting as *guardian ad litem* in relation to

- (a) a minor; or
- (b) a person who is incapable of
 - (i) acting;
 - (ii) making decisions;
 - (iii) communicating decisions;
 - (iv) understanding decisions; or
 - (v) retaining the memory of decisions,

by reason of mental disorder or inability to communicate;

“hospital”

- (a) has the meaning assigned to it by section 2 of the *Queen Elizabeth Hospital Act*, Cap. 54; and
- (b) includes health services institutions approved by the Minister under section 3;

“medical advice” includes advice on the removal and transplantation of tissue including the procedure, benefits and risks;

“medical practitioner” means a registered medical practitioner within the meaning of the *Medical Profession Act, 2011* (Act 2011-1);

“Minister” means the Minister responsible for Health;

“next of kin” means, in descending order of priority,

- (a) a spouse;
- (b) the eldest child who is not a minor;
- (c) a parent or guardian; or

(d) the eldest brother or sister who is not a minor;

“non-regenerative tissue” means tissue, other than regenerative tissue;

“regenerative tissue” means tissue that, after injury within or after removal from the body of a living person, is replaced in the person’s body by natural processes;

“Registry” means the National Donor and Transplantation Registry established by section 7;

“spouse” has the meaning assigned to it by the *Family Law Act*, Cap. 214;

“therapeutic purposes” includes transplant purposes;

“tissue” includes an organ or other part of a part of a human body, a cell, a stem cell and any substance extracted from the human body including biofluid, but does not include

(a) spermatozoa or ova;

(b) an embryo or a foetus or a part of an embryo or a foetus; or

(c) blood or a blood constituent;

“transplant” means the removal of tissue from a human body, whether living or dead, and its implantation into a living human body;

“transplant team” means the medical professionals and their assistants responsible for the procedures relating to tissue transplantation.

PART II

ADMINISTRATION

Approval of health service institution

- 3.(1) The Minister may approve, in writing, hospitals within the definition of health services institutions in section 2 of the *Health Services Act*, Cap. 44, as hospitals for the purposes of this Act.
- (2) The Minister may prescribe the conditions with which a health service institution approved under this section shall comply.

Establishment of Council

- 4.(1) There is established a council to be known as the National Transplantation Council.
- (2) The provisions of the *First Schedule* shall have effect with respect to the constitution of the Council and otherwise in relation thereto.
- (3) The Council shall be a body corporate to which the provisions of section 21 of the *Interpretation Act*, Cap. 1 shall apply.

Functions of the Council

5. The functions of the Council are as follows:
- (a) to advise the Minister on changes and proposed changes to the legislation governing human tissue transplantation in Barbados;
 - (b) to provide advice and guidance to medical practitioners engaged in human tissue transplantation on issues that arise in
 - (i) the allocation of organs to recipients;
 - (ii) the selection of donors;

- (iii) proposed new or novel programmes of transplantation in Barbados; and
 - (iv) the removal of tissue after death;
- (c) to approve the qualifications, experience and character of persons proposed for appointment under this Act;
- (d) to enquire into and report on any issue related to human tissue transplantation that has been referred to it by
 - (i) any officer named in this Act or regulations made under this Act;
 - (ii) any registered professional engaged in human tissue transplantation;
 - (iii) any recipient or potential recipient resident in Barbados; or
 - (iv) the Minister;
- (e) to consider and advise on any matter related to human tissue transplantation that is brought to its attention in writing by a member of the public; and
- (f) to seek advice on any matter relating to human tissue transplantation from any source, whether within or outside Barbados.

Designated transplant officers

6.(1) The Chief Medical Officer may in writing nominate a person with that person's consent to be a designated transplant officer of a hospital for a period not exceeding 2 years.

(2) The name of the person nominated under subsection (1) shall be submitted to the Council and the Council, on being satisfied of the person's suitability to be a designated transplant officer

- (a) shall, in the case of the Queen Elizabeth Hospital, assign the person; and

- (b) may, in any other case, give its approval for the assignment of the person

as the designated transplant officer for the hospital concerned.

- (3) A designated transplant officer shall perform the functions of a transplant coordinator and a transplant procurement manager and shall

- (a) ensure that the donation of tissue is transparent and non-coercive and complies with this Act and any regulations under this Act; and
- (b) act as an advocate on behalf of the donor, his guardian or his next of kin, as the case requires.

- (4) The Council, on the advice of the Chief Medical Officer, may

- (a) in the case of the Queen Elizabeth Hospital, revoke the appointment of a designated transplant officer; and
- (b) in any other case, withdraw its approval and recommend the revocation of the assignment of the person as a designated transplant officer.

- (5) A designated transplant officer shall not participate in any of the medical procedures involved in the removal of tissue from, or transplant of tissue into, the body of a person to whom Parts IV, V, VI and VII apply.

PART III

NATIONAL DONOR AND TRANSPLANTATION REGISTRY ETC.

Establishment of Registry

7.(1) The Minister shall cause to be established a registry, to be known as the National Donor and Transplantation Registry, which shall contain the following information:

- (a) the name, address and contact information of each donor, and a record the consent given for the tissue to be donated and any amendment or withdrawal of such consent;
- (b) the name, address and contact information of each patient awaiting a transplantation, and the tissue involved;
- (c) the name, address and contact information of each patient who received a transplantation, and the tissue involved; and
- (d) such other information as the Minister considers appropriate.

(2) The Registry shall be maintained and managed by the Council.

Public education program

8. The Council shall establish a program to educate the public on

- (a) human tissue transplantation, and its uses and benefits; and
- (b) the importance of registering for the donation of tissue.

Allocation of tissue

9.(1) The Council shall establish

- (a) medical criteria for the allocation of tissue; and

- (b) a fair, equitable and transparent system for such allocation to patients awaiting transplantations in accordance with such regulations as the Minister may prescribe.
- (2) No person shall be denied inclusion in the Registry as a patient awaiting a transplantation or given priority or disadvantaged in the allocation of tissue, on any ground set out in subsection (3), unless such consideration is demonstrably required for clinical compatibility or transplantation success.
- (3) The grounds referred to in subsection (2) are having
 - (a) a disability; or
 - (b) a medical condition.
- (4) Any person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 2 years or to both.

PART IV

DONATION OF TISSUE BY ADULTS

Donation of regenerative tissue by adults

10.(1) Subject to this Act, a person

- (a) who is at least 18 years of age and of full capacity; or
- (b) who, if he is a minor, is married or is a parent

may, in consideration of medical advice given to him by a medical practitioner in writing signed by him in the presence of a designated transplant officer, consent to the removal of regenerative tissue specified in the consent for the purposes specified in subsection (2).

- (2) The purposes referred to in subsection (1) are
 - (a) the transplantation of the tissue into the body of another living person; and
 - (b) any other therapeutic, medical or scientific purpose.
- (3) A donor may, at any time before the removal of the regenerative tissue to which the consent applies, withdraw his consent orally or in writing.
- (4) The designated transplant officer shall, before removal of the regenerative tissue, certify in the form set out as Form A in the *Second Schedule*, that
 - (a) all requirements referred to in subsections (1) and (2) have been complied with; and
 - (b) he explained to the donor the implications of removal of regenerative tissue from the donor's body and the donor consented to the removal of the tissue.

Effect of consent under section 10

11. A subsisting consent under section 10(1) and the certification under section 10(4), shall be sufficient authority for a medical practitioner to refer the case to the transplant team for transplantation of tissue.

Donation of non-regenerative tissue by adults

12.(1) A person described in section 10(1) may, in writing signed by him in the presence of a designated transplant officer, consent to the removal of non-regenerative tissue from his body after the expiration of a period of at least 24 hours from the time at which the consent is signed, for the purpose of the transplantation of the tissue into the body of another living person.

(2) A person who has given consent referred to in subsection (1) may, at any time before the removal of the non-regenerative tissue to which the consent applies, withdraw his consent orally or in writing.

(3) Every designated transplant officer shall, before removal of non-regenerative tissue, certify in the form set out as Form A in the *Second Schedule* that

- (a) all requirements referred to in subsection (1) have been complied with;
- (b) he explained to the donor the implications of removal of the non-regenerative tissue from the donor's body; and
- (c) the donor clearly stated that he understood the implications.

Effect of consent under section 12

13. A subsisting consent under section 12(1) and certification under section 12(3), shall be sufficient authority for a medical practitioner to refer the case to the transplant team within 2 weeks of the date at which the consent was given.

PART V

DONATION OF TISSUE BY MINORS ETC.

Prohibition of removal of non-regenerative tissue

14. Subject to sections 12 and 14, no person may remove or consent to the removal of non-regenerative tissue from the body of a living minor for

- (a) the purpose of transplantation of such non-regenerative tissue into the body of another living person; or
- (b) use for any other therapeutic, medical or scientific purpose.

Removal of regenerative tissue where minor understands

15.(1) A parent or guardian of a minor may consent in writing to the removal of regenerative tissue specified in the consent given by the parent or guardian

from the body of the minor for the purpose of transplantation into the body of a brother, sister or parent of the minor, where

- (a) the parent or guardian has obtained medical advice from a medical practitioner, other than the medical practitioner tasked to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation;
- (b) the minor has the mental capacity to understand the nature and effect of removal and the nature of the transplantation; and
- (c) the minor has consented to the removal of the regenerative tissue for the purpose of its transplantation into the body of the person receiving the tissue.

(2) The consent referred to in subsection (1) shall be in the form set out as Form B in the *Second Schedule*.

(3) A person who has given consent referred to in subsection (1) may, at any time before the removal of the regenerative tissue to which the consent applies, withdraw his consent orally or in writing.

(4) In this section, reference to a parent or guardian of a minor does not include a person standing in *loco parentis* to the minor.

(5) The designated transplant officer shall, before the removal of tissue by a medical practitioner, certify in the form set out as Form C in the *Second Schedule* that

- (a) all requirements referred to in subsection (1) have been complied with;
- (b) he explained to the parent or guardian the implications of removal of the regenerative tissue from the body of the minor; and
- (c) the parent or guardian understood the implications of the removal of regenerative tissue from the body of the minor and the minor has consented to the removal.

Effect of consent under section 15

16. The following shall be sufficient authority for a transplant team to remove regenerative tissue from the body of a minor:

- (a) the consent given by
 - (i) the parent or guardian of the minor; and
 - (ii) the minor under section 15(1)(c); and
- (b) the certification given under section 15(5),

unless the consent of the parent or guardian or the consent of the minor was withdrawn at any time prior to the removal.

Removal of regenerative tissue where minor does not have the capacity to understand the procedure or give consent to it

17.(1) A parent or guardian of a minor may consent in writing to the removal of regenerative tissue specified in the consent from the body of the minor for the purpose of transplantation into the body of a brother, sister or parent of the minor, where

- (a) medical advice from a medical practitioner, other than the medical practitioner tasked to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation is obtained;
- (b) the minor is not capable of understanding the nature and effect of the removal of tissue and the nature of transplantation; and
- (c) a medical practitioner, other than the medical practitioner tasked to transplant the tissue, certifies in writing the medical reason for the transplant.

(2) The consent of the parent or guardian referred to in subsection (1) shall be in the form set out as Form D in the *Second Schedule* and certification referred

to in subsection (1)(c) shall be in the form set out as Form E in the *Second Schedule*.

(3) A person who has given a consent referred to in subsection (1) may, at any time before the removal of the regenerative tissue to which the consent applies, withdraw his consent orally or in writing.

(4) In this section, a reference to a parent or guardian of the minor does not include a person standing in *loco parentis* to the minor.

(5) The designated transplant officer shall, before the removal of tissue by the medical practitioner, certify in the form set out as Form F in the *Second Schedule* that

- (a) all the requirements referred to in subsection (1) have been complied with;
- (b) he explained to the parent or guardian of the minor the implications of removal of regenerative tissue from the body of the minor; and
- (c) the parent or guardian clearly understood the implications of the removal of regenerative tissue from the body of the minor.

Effect of consent under section 17

18. A subsisting consent given by the parent or guardian of the minor and the certification by the medical practitioner under section 17(1)(c) and the certification under section 17(5), shall be sufficient authority for the transplant team to remove the regenerative tissue from the body of the minor.

Removal of tissue from and transplantation of tissue into a living person

19.(1) A person may consent in writing to the removal of regenerative tissue from his body or to the transplantation of regenerative tissue into his body if

- (a) medical advice from a medical practitioner, other than the medical practitioner tasked to remove or transplant the tissue, as the case may

be, regarding the nature and effect of the removal of the tissue and the nature and effect of the transplantation is obtained; and

- (b) a medical practitioner, other than the medical practitioner tasked to remove or to transplant the tissue, as the case may be, certifies in writing the medical reason for the removal or transplant.

(2) The certificate of the medical practitioner referred to in subsection (1)(b) shall be in the form set out as Form G in the *Second Schedule*.

Withdrawal of consent

20. Consent given under this Act may be withdrawn in the form set out as Form H in the *Second Schedule*.

PART VI

PAIRED TISSUE DONATION

Paired tissue donation

21. Notwithstanding any other provision of this Act, tissue may be donated and received for transplantation where

- (a) a group of donors and patients awaiting transplantations contains pairs of donors and patients who satisfy the following criteria:
 - (i) a donor (referred to as the first donor) desires to donate tissue to a specific patient (referred to as the first patient) but is biologically incompatible as a donor for the first patient; and
 - (ii) another donor (referred to as the second donor) desires to donate tissue to another specific patient (referred to as the second patient) but is biologically incompatible as a donor for the second patient; and

- (iii) the first donor is biologically compatible as a donor for the second patient and the second donor is biologically compatible as a donor for the first patient;
- (b) the donors and patients in the group enter into a single agreement to donate and receive tissue according to the biological compatibility in the group; and
- (c) other than as described in paragraph (b), no valuable consideration is knowingly acquired, received or otherwise transferred with respect to the tissue.

Council to be notified of paired donation agreement

22. The Council shall be notified of each agreement entered into pursuant to section 21; and no transplantation shall be conducted under that section in the absence of such notification

PART VII**DONATION OF TISSUE AFTER DEATH****Interpretation and application of Part VII**

23.(1) In this Part,

“subject” means, in relation to tissue transplantation, the body of a person who has died;

“consent” means, for the purpose of sections 24 and 25

- (a) written consent
 - (i) signed by a person at any time during his lifetime in the presence of at least two witnesses who attests the signature;

-
- (ii) signed at the direction of a person at any time during his lifetime, in his presence and in the presence of at least two witnesses who attests the signature;
 - (iii) signed, where a person has not given consent and has died or is, in the opinion of a medical practitioner, incapable of giving consent by reason of injury or disease, and his death is imminent, by the next of kin of the person;
 - (b) consent, orally or by gestures, given in the presence of at least 2 witnesses
 - (i) by a person at any time during his lifetime; or
 - (ii) where a person has not given consent and has died or is, in the opinion of a medical practitioner, incapable of giving consent by reason of injury or disease, and his death is imminent, by the next of kin of the person;
 - (c) consent given
 - (i) by a person at any time during his lifetime; or
 - (ii) where a person has not given consent and has died or is, in the opinion of a medical practitioner, incapable of giving consent by reason of injury or disease, and his death is imminent, by the next of kin of the person, and recorded electronically.
- (2) Consent to the donation of tissue under this Part may be given generally or in relation to specific tissue or a specific purpose or use of the tissue.
- (3) A person shall not give consent under this Part where the person has reason to believe that the person who died or whose death is imminent would have objected to the giving of consent.

Removal and use of tissue after death

24. Subject to sections 25 and 28, a designated transplant officer may, in the form set out as Form I in the *Second Schedule*, authorize for the purposes of this section, the removal of tissue from a subject, for

- (a) the transplantation of the tissue into the body of a living person; or
- (b) the use of the tissue for other therapeutic, medical or scientific purposes.

Conditions under which designated transplant officer may exercise authority

25.(1) The authorization referred to in section 24 shall only be given where, after making such inquiries as are reasonable in the circumstances, a designated transplant officer

- (a) is satisfied that consent to the removal of tissue from the subject for a purpose referred to in section 24 and has been given and has not been withdrawn; and
- (b) has no reason to believe that the person whose body has become the subject, during his lifetime expressed an objection to the removal of tissue from his body after his death for a purpose referred to in section 24.

(2) The authorization of a designated transplant officer under section 24 shall be restricted by the expressed terms of the consent given both as to the tissue which may be removed and the purpose or use of the tissue.

(3) Where a person has not given consent to the removal of tissue from his body after death and has died or is, in the opinion of a medical practitioner, incapable of giving consent by reason of injury or disease, and his death is imminent, the next of kin of the person may make it known to a designated transplant officer that the next of kin consents to such removal of tissue, after the death of the person, for a purpose referred to in section 24.

Removal of tissue only after death

26. No tissue may be removed from the body of the donor under this Part until death has occurred.

When death occurs

27.(1) For the purposes of this Part, a person is dead when there has occurred

(a) irreversible cessation of circulation of blood in the body of that person;
or

(b) irreversible cessation of all functions of the brain stem of that person.

(2) Death shall be determined by 2 medical practitioners on the staff of the relevant hospital, in accordance with the prescribed criteria, except that

(a) no medical practitioner who has a familial or professional relationship with the proposed recipient shall take any part in the determination of the fact of the death of the donor of the tissue;

(b) no medical practitioner who had taken part in the determination of death under paragraph (a) shall participate in the transplantation of the tissue to the recipient; and

(c) if the tissue is to be removed for therapeutic purposes, no medical practitioner who is due to remove or transplant the tissue, may determine the occurrence of death or may be part of any transplant team by whom, or process by which, death is determined.

Concurrence of coroner

28.(1) Where a designated transplant officer has reason to believe that the circumstances applicable to the death of a person are such that a coroner has jurisdiction to hold an inquest into the manner and cause of death of the person under the *Coroner's Act*, Cap. 113, the designated transplant officer shall not authorize the removal of tissue from the body of the deceased person, unless the coroner has stated that he has no objection to the removal.

- (2) Subsection (1) does not apply where the coroner, after the death of a person states that he has no objection to the removal of tissue from the body of the person.
- (3) A statement by a coroner under this section shall be
- (a) in writing; and
 - (b) subject to such conditions as are specified in the statement.

PART VIII

PROHIBITION ON TRADING IN HUMAN TISSUE

Trade in human tissue prohibited

- 29.**(1) No person shall remove or cause tissue to be removed from the body of a donor for the purposes of trading that tissue for valuable consideration.
- (2) Subject to this section, any contract or arrangement under which a person agrees, for valuable consideration, whether given or to be given to himself or to another person, for the sale or supply of any tissue from his body or from the body of another person, whether before or after his death or the death of the other person, as the case may be, is void.
- (3) A person who contravenes subsection (1) or enters into a contract or arrangement of the kind referred to in subsection (2), is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or imprisonment for a term of 2 years or to both.

Advertisement relating to buying or selling of tissue prohibited

- 30.**(1) No person shall issue or cause to be issued any advertisement relating to the buying or selling of any tissue from the body of a person.
- (2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 2 years or to both.

PART IX

MISCELLANEOUS

Exemption from liability

31. No personal liability attaches to any medical practitioner or other person for anything done in good faith in the exercise of his authority under this Act.

Limitation on application of Act

32. Nothing in this Act applies to,

- (a) the removal of any tissue from the body of a living person in the course of a procedure or operation carried out in the interest of the health of the person by a medical practitioner with the consent given by or on behalf of the person or in circumstances necessary for the preservation of the life of a person by the use of any tissue so removed;
- (b) the removal of any tissue from the body of a deceased person during the course of a post-mortem examination;
- (c) the embalming of the body of a deceased person; or
- (d) the preparation, including the restoration of any disfigurement or mutilation, of the body of a deceased person for the purpose of interment or cremation.

Offences in relation to removal of tissue

33.(1) No person shall remove or cause to be removed any tissue from the body of a deceased person, except in accordance with this Act.

(2) No person shall, except for a purpose specified in this Act, remove or cause to be removed any tissue from the body of a living person.

(3) Any person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 5 years or to both.

Offences in relation to removal of tissue for gain or profit

34.(1) Any person who removes tissue from the body of a donor for valuable consideration is guilty of an offence and is liable on conviction on indictment to a fine of \$500 000 or to imprisonment for a term of 7 years or to both.

(2) Where a designated transplant officer is convicted under subsection (1), in addition to the penalty imposed, his appointment as designated transplant officer shall be revoked.

Disclosure of information

35.(1) Notwithstanding any other law to the contrary and subject to this section, no person shall, by any means whatsoever, make known to the public the identity of any other person

- (a) from whose body any tissue has been removed for the purpose of transplantation;
- (b) with respect to whom a consent or authority has been given under this Act; or
- (c) into whose body any tissue has been, or is being transplanted.

(2) Subsection (1) shall not apply in relation to any information disclosed

- (a) in pursuance of an order of a court;
- (b) for the purposes of continued care or *bona fide* medical research; or
- (c) with the consent of the person to whom the information relates.

(3) Any person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 2 years or to both.

Regulations

36. The Minister may make regulations
- (a) for matters that are authorized or required by this Act to be prescribed;
 - (b) for the screening and testing of tissue before and after removal from a body;
 - (c) for the transportation, storage and handling of tissue;
 - (d) for the conditions subject to which transplantation of tissue shall be carried out;
 - (e) for the criteria for determining the irreversible cessation of all functions of the brain stem of a person;
 - (f) for the allocation of tissue;
 - (g) for the importation and exportation of tissue; and
 - (h) generally for matters that are necessary or convenient for carrying out the purposes of or giving effect to this Act.

Amendment of Schedules

37. The Minister may by Order amend the *Schedules* to this Act.

Commencement

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

FIRST SCHEDULE*(Section 4(2))**CONSTITUTION OF NATIONAL TRANSPLANTATION COUNCIL*

1. The National Transplantation Council shall comprise the following persons who shall be appointed by the Minister:

- (a) the Chief Medical Officer;
- (b) the Director of Medical Services at the Queen Elizabeth Hospital;
- (c) a medical practitioner with knowledge of human tissue transplantation, on the nomination of the Barbados Association of Medical Practitioners;
- (d) an individual who is qualified or otherwise experienced in bioethics;
- (e) a nurse, on the nomination of the Barbados Nurses Association;
- (f) an attorney-at-law of at least 10 years standing with medico-legal knowledge, on the nomination of the Barbados Bar Association;
- (g) a nominee of a Non-Governmental Organization with an interest in human tissue transplantation; and
- (h) a beneficiary of human tissue transplantation or a donor of human tissue.

2.(1) The Minister shall appoint a Chairman and a Deputy Chairman from amongst the members of the Council.

(2) The Permanent Secretary in the Ministry responsible for Health may assign a public officer from that Ministry to perform the duties of secretary to the Council.

3. A person appointed under paragraph 1 shall hold office for a term of 3 years and shall be eligible for reappointment.

4. No remuneration is payable to the members of the Council except with the approval of the Cabinet.
- 5.(1) The Chairman of the Council may resign by letter in writing sent to the Minister.
(2) All other members of the Council, except the Chairman, may resign by letter in writing sent to the Chairman.
6. Subject to this *Schedule*, the Council shall regulate its own procedure.
7. The Council shall meet at such times and places as may be necessary or expedient for the transaction of its business.
8. The Chairman may at any time call a special meeting of the Council, and shall call such a meeting if required so to do by 5 members of the Council.
9. In the absence of the Chairman from a meeting, the Deputy Chairman shall preside.
10. A majority of the members of the Council shall constitute a quorum.

SECOND SCHEDULE*(Sections 10(4) and 13(3))***FORMS**

Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM A

I, _____, certify that
Name of Designated Transplant Officer

_____, is an adult
Name of Donor

- (a) who is of sound mind;
- (b) who has been given relevant medical advice by a medical practitioner with which advice he/she agrees; and
- (c) who has consented in writing to the removal from his/her body of the undermentioned tissue for the purpose of the transplantation of the tissue into the body of another living person for therapeutic/medical/scientific purposes:

Description of tissue:*

☐ Bone Marrow ☐ Cornea ☐ Kidney ☐ Liver ☐ Stem Cell

☐ Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I further certify that I have explained to _____
Name of Donor
the implications of the removal of the tissue from his/her body and I am of the
opinion that he/she understood the implications of the removal.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

*Second Schedule - (Cont'd)**(Section 15(2))*

Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM B

I, _____, parent/guardian
Full Name

of _____ (a minor), aged _____ years, consent
Name of Donor

to the removal of the undermentioned tissue from his/her body for the purpose of

transplantation into the body of _____
Name of Recipient

who is his/her brother/sister/mother/father

Description of tissue:*

☐ Bone Marrow ☐ Cornea ☐ Kidney ☐ Liver ☐ Stem Cell

☐ Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I certify that:

I have obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and nature of the transplantation.

_____ has the mental capacity to
Name of Donor

understand the nature and effect of the removal and nature of the transplantation and has agreed to the removal of the tissue for the purpose of its transplantation into the body of

_____ who is his/her brother/sister/
Name of Recipient

mother/father.

Signature of Parent/Guardian

Date/Month/Year

(Section 15(5))

**FORM C**

*Description of tissue**:

☐ Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I further certify that:

- (a) the parent/guardian of the minor has obtained medical advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation.
- (b) the minor has the mental capacity to understand the nature and effect of the removal and the nature of the transplantation and has agreed to the removal of the tissue for the purpose of its transplantation into the body of the person receiving the tissue.
- (c) I explained to the parent/guardian the implications of the removal of the tissue from the body of the minor and the parent/guardian appeared to understand the implications of the removal.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

*Second Schedule - (Cont'd)**(Section 17(2))*

Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM D

I, _____, parent/guardian of
Name of Parent/Guardian

_____ (a minor), aged _____
Name of Donor

years, consent to the removal of the undermentioned tissue from his/her body for the
purpose of transplantation into the body of _____
Name of Recipient
who is his/her brother/sister/mother/father.

Description of tissue:*

☐ Bone Marrow ☐ Cornea ☐ Kidney ☐ Liver ☐ Stem Cell

☐ Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I certify that:

(a) I have obtained advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and nature of the transplantation.

(b) _____ does not have the mental capacity to
Name of Donor
understand the nature and effect of the removal and the nature of the transplantation.

(c) a medical practitioner, other than the medical practitioner due to transplant the tissue, has certified in writing the medical reason for the transplant into the body of

_____.
Name of Recipient

Signature of Parent/Guardian

Date/Month/Year

Signature of Witness

Date/Month/Year

Name of Witness

Second Schedule - (Cont'd)

(Section 17(2))



Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM E

I, _____, medical practitioner,
Full Name
certify that unless the undermentioned tissue, which is the same tissue specified in the consent
of _____ parent/guardian of
Name of Parent/Guardian
_____ (a minor), aged _____ years is transplanted
Name of Donor
into the body of _____, the brother/sister/mother/
Name of Recipient
father of the minor, his/her (the recipient's) medical condition is likely to deteriorate.

I further certify

- (a) that the recipient has been diagnosed with or is suffering from _____
_____; and
- (b) that I will not participate in any of the medical procedures involved in transplantation of the
tissue.

Signature of Medical Practitioner

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 17(5))



Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM F

I, _____, certify that
Name of Designated Transplant Officer
_____, parent/guardian of
Name of Parent/Guardian
_____, (a minor), aged _____ years, has
Name of Donor
consented to the removal of the undermentioned tissue from the body of the minor for the
purpose of transplantation into the body of _____
Name of Recipient
the minor's brother/sister/mother/father.

Description of tissue:*

☐ Bone Marrow ☐ Cornea ☐ Kidney ☐ Liver ☐ Stem Cell

☐ Other (please specify): _____

* Select as appropriate

Second Schedule - (Cont'd)

I further certify that:

- (a) the parent/guardian of the minor has obtained medical advice from a medical practitioner, other than the practitioner due to transplant the tissue, regarding the nature and effect of the removal of the tissue and the nature of the transplantation.
- (b) the minor does not have the mental capacity to understand the nature and effect of the removal of the tissue and the nature of the transplantation.
- (c) a medical practitioner, other than the medical practitioner due to transplant the tissue, has certified in writing the medical reason for the transplant into the body of

Name of Recipient

- (d) I explained to the parent/guardian the implications of the removal of the tissue from the body of the minor and the parent/guardian appeared to understand the implications of the removal.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 19(2))



Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM G

I, _____, medical practitioner,
Full Name
certify that unless the undermentioned tissue, which is the same tissue specified in the consent
of _____ is transplanted into the
Name of Donor
body of _____, his/her (the recipient's)
Name of Recipient
medical condition is likely to deteriorate.

I further certify

- (a) that the recipient has been diagnosed with or is suffering from _____
_____; and
- (b) that I will not participate in any of the medical procedures involved in transplantation of the
tissue.

Signature of Medical Practitioner

Date/Month/Year

Registration No.

Second Schedule - (Cont'd)

(Section 20)



Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM H

I, _____, hereby withdraw
Name of Donor/Recipient
my consent given on the _____ day of _____ 20____ for removal/transplantation of
regenerative/non-regenerative tissue from, or into my body/the body of _____
_____ (a minor) aged _____ years.

Signature of Donor/Parent/Guardian/Recipient

Date/Month/Year

Second Schedule - (Cont'd)

(Section 24)



Human Tissue Transplant Act, 2026
(Act 2026-18)

FORM I

I, _____, authorize the removal
Name of Designated Transplant Officer

of the undermentioned tissue from the body of _____,
Full Name
deceased, for transplantation into the body of a living person/use for therapeutic/medical/scientific
purposes:

Description of tissue:*

☐ Bone Marrow ☐ Cornea ☐ Kidney ☐ Liver ☐ Stem Cell

☐ Other (please specify): _____

* Select as appropriate

Second Schedule - (Concl'd)

I certify that I have made enquiries as are reasonable in the circumstances and:

*select as appropriate

- ☐ I am satisfied that the deceased during his/her lifetime in writing or in his last will and testament made under the *Succession Act*, Cap. 249 expressed the wish for, or consented to, the removal of tissue from his/her body after death for any purpose or use referred to above and had not withdrawn the wish or revoked the consent.
- ☐ I have no reason to believe that the deceased had expressed an objection to the removal of tissue from his/her body after death for any purpose or use referred to above and I am satisfied that the next of kin of the deceased consents to the removal of tissue from the body of the deceased for any such purpose or use.
- ☐ I certify that the donor and the recipient have been examined by a registered medical practitioner and the parent/guardian of the minor has consented and the transplantation of tissue has been carried out.

Signature of Designated Transplant Officer

Date/Month/Year

Registration No.

*Signature of Medical Practitioner
giving advice*

Date/Month/Year



BARBADOS

**ADVANCE PASSENGER INFORMATION AND PASSENGER NAME
RECORD ACT, 2026-19**

Arrangement of Sections

PART I

PRELIMINARY

- 1.** Short title
- 2.** Interpretation
- 3.** Application

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- 4.** Duties and functions of the Chief Immigration Officer
- 5.** Data Protection Officer
- 6.** Passenger Information Unit

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**GENERAL OBLIGATIONS REGARDING ADVANCE PASSENGER
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- 7.** Duty to provide advance passenger information, passenger name record data and embarkation and disembarkation data

8. Technical stop
9. Restriction on disclosure of data or documentation by the Chief Immigration Officer
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11. Processing of API and PNR
12. Verification of API and PNR data submitted to the Chief Immigration Officer
13. Use, screening and sharing of API and PNR with regional and international security agencies
14. Transfer of API and PNR data to another country

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API OPERATIONS

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16. Time frame for submission of API data and embarkation and disembarkation data to Chief Immigration Officer
17. Duty to transmit API data elements to competent authority
18. Time frame for submission of API data and embarkation and disembarkation data
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THIRD SCHEDULE

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

FOURTH SCHEDULE

Advance Passenger Information Data Elements and Embarkation and Disembarkation Data Elements

FIFTH SCHEDULE

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

SIXTH SCHEDULE

Data Elements to be submitted under the FAL Convention

BARBADOS

I assent
J. D. BOSTIC
President of Barbados
21st August, 2026.

2026-19

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

[Commencement: by Proclamation]

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 2026-19)*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.

ADVANCE PASSENGER INFORMATION AND PASSENGER NAME RECORD ACT, 2026-19

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 2026-19)

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		

ADVANCE PASSENGER INFORMATION AND PASSENGER
NAME RECORD ACT, 2026-19

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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
B/L No.	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				
	6. Marks and Numbers	7. Number and kind of packages; description of goods or, if available, the HS Code	8. Gross Weight	9. Measurement	
10. Date and signature by master, authorized agent or officer					

ADVANCE PASSENGER INFORMATION AND PASSENGER
NAME RECORD ACT, 2026-19

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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					

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CREW LIST

(IMO FAL Form 5)

1.1 Name of ship		☐ Arrival ☐ Departure		Page Number	
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	
6. No.	7. Family name	8. Given names	9. Rank or rating	10. Nationality	11. Date of birth
					12. Place of birth
					13. Gender
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							

