SUMMARY OF DISCUSSIONS

1. **TOPIC 2.2: SAFETY INFORMATION PROTECTION**

1.1 HLSC/15-WP/4, presented by the ICAO Secretariat, outlined the progress made in the development of new and enhanced provisions related to the protection of certain accident and incident records and other information used to maintain or further improve aviation safety and its related sources. The conference noted that the need to enhance the existing protective frameworks in support of safety management and accident investigation activities, as expressed by the Accident Investigation and Prevention Divisional Meeting held in 2008, during the 2010 High-level Safety Conference and endorsed by the 37th and 38th Sessions of the ICAO Assembly.

1.2 It was mentioned that ICAO, supported by the recommendations of multidisciplinary groups of experts, developed proposals to enhance these protective frameworks which are undergoing the ICAO Standard-making process. Once adopted by the Council, it was noted by the conference that ICAO envisions to assist States in implementing such new and enhanced provisions.

1.3 HLSC/15-WP/25, 38, 54, 78 and 93 presented by the United States and Brazil; Latvia on behalf of the European Union (EU), its Member States and other Members States of European Civil Aviation Conference (ECAC) and EUROCONTROL; Civil Air Navigation Services Organisation (CANSO); New Zealand; and Dominican Republic, respectively, noted the work of ICAO, supported by the Safety Information Protection Task Force (SIP TF), the Safety Management Panel (SMP) and the Group of Experts on Protection of Accident and Incident Records, in developing specific proposals for Annex 6 — *Operation of Aircraft*, Annex 13 — *Aircraft Accident and Incident Investigation* and Annex 19 — *Safety Management* to enhance the protective frameworks in support of safety management and accident investigation activities.
1.4 Broad support was expressed on the need for clarity on the types of information and sources to be protected when progressing amendment proposals on the protection of safety management information, as presented in HLSC/15-WP/46 presented by Peru supported by Argentina, Brazil, Colombia, Chile, Ecuador, Panama, Paraguay, Uruguay, Bolivia and Venezuela. Consistency and maturity on the proposals was also envisioned to further progress these amendments. Despite these facts, it was strongly emphasized that the need for new and enhanced provisions for the protection of certain accident and incident records, other information collected for the purposes of maintaining or improving safety and its related sources is considered a priority, as presented in HLSC/15-WPs/25, 38, 54, 78 and 93 and supported by several States.

1.5 The conference also noted the challenges faced in the implementation of new and enhanced provisions on the protection of safety information, as presented in HLSC/15-WPs/46 and 78, specifically in adapting existing legislative frameworks to the envisioned protections. These positions as well as HLSC/15-WPs/38 and 93 considered it essential to develop guidance material supported by seminars, communication and training initiatives as well as to facilitate relevant frameworks to establish a dialogue between aviation and judicial authorities to achieve the desired level of protection. The conference identified the importance of focussing assistance efforts on addressing the specific needs of each region. Further, it was recalled that ICAO should ensure that coordination takes place for implementation actions on safety management provisions and protection of safety information, as stated in HLSC/15-WP/35. It was also recognized that there are alternative means to protect information generated through voluntary reporting systems, as indicated in HLSC/15-WP/80 presented by Japan. These alternative means have proven to address challenges in the implementation of such systems to further enhance aviation safety. Certain States and international organizations expressed their willingness to assist ICAO to support States in implementing new and enhanced provisions.

1.6 Finally, HLSC/15-WPs/25 and 54 shared experience and guidance developed on the protection of safety information and supported the implementation of such provisions through legislation and roll-out initiatives. The conference noted these good practices and lessons learned.

1.7 In summary, the conference noted the work of ICAO, supported by groups of experts, in progressing specific proposals for enhanced protective frameworks of certain accident and incident records and information collected for the purpose of maintaining or improving safety. It highlighted the critical need for meaningful and expeditious progress in adopting the necessary amendments to enhance the existing protective frameworks while ensuring clarity on the types of information and the sources to be protected. The conference also agreed that ICAO and the aviation community support States in implementing new and enhanced provisions on this topic, once adopted by the Council, through the development of guidance material, tools, communication and training initiatives tailored to the specific needs of each region.

1.8 The conference also noted HLSC/15-IP/28 presented by Spain and HLSC/15-IP/39 presented by Indonesia.

CONCLUSIONS AND RECOMMENDATIONS

2. CONCLUSION 2/2

2.1 The conference agreed on the following conclusions:

a) Accident investigation authorities gather and generate records during the course of investigations instituted with the objective of determining causes and/or contributing factors of aviation accidents or incidents to prevent their recurrence. Safeguarding accident investigation authorities’ continued access to essential information during the course of an investigation relies on States’ ability to implement appropriate protection for accident and incident records;
b) Proactive mechanisms designed to manage aviation safety rely on the collection, analysis and exchange of safety information for the timely identification and subsequent mitigation of risks and hazards that may result in an accident or an incident. The success of this proactive approach to manage aviation safety depends on the appropriate protection of safety information and related sources to encourage meaningful reporting;

c) The protection of certain accident and incident records, other information collected for the purposes of maintaining or improving safety and its related sources is an enabler for safety improvement and should be introduced at the legislation level;

d) Multidisciplinary groups of experts have contributed towards the development of proposals to enhance ICAO provisions on the protection of certain accident and incident records and other information collected for the purposes of maintaining or improving safety and its related sources; and

e) Progress in ICAO’s work to enhance the protection of certain accident and incident records and information collected for the purpose of maintaining or improving safety in addition to assistance to States in implementing these new protective frameworks is critical for the improvement of aviation safety;

f) Consistency and maturity on the proposals as well as clearly defining the types of information and sources to be protected is fundamental for the development and efficient implementation of new or enhanced provisions.

3. **RECOMMENDATION 2/2**

3.1 The Conference agreed on the following recommendations:

a) That ICAO ensure meaningful progress towards the adoption of new and enhanced provisions on the protection of safety management information as well as accident and incident records, while ensuring maturity, consistency and clarity on the proposals;

b) That States undertake the necessary legal adjustments to efficiently implement new and enhanced protective frameworks to facilitate safety management and accident investigation activities; and

c) That ICAO support States in implementing new and enhanced provisions through a strategy comprised of supporting guidance material, tools and seminars tailored to the needs of each region aiming at building trust, cooperation and a common understanding among aviation safety professionals, accident investigation authorities, regulators, law enforcement officers and the judiciary in the context of an open reporting culture.

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