



International Civil Aviation Organization

Regional Aviation Safety Group - Middle East

Fourth Meeting (RASG-MID/4)
(Jeddah, Saudi Arabia, 30 March - 1 April 2015)

Agenda Item 2: Global Developments related to Aviation Safety

BALANCING THE USE AND PROTECTION OF SAFETY INFORMATION

(Presented by the Secretariat)

SUMMARY

This paper presents the progress made by ICAO in the development of new and enhanced provisions related to the protection of certain accident and incident records and other information collected to maintain or further improve aviation safety and protect its related sources. It also reports on recommendations made by the second High-level Safety Conference (HLSC2015) (Montréal, 2 to 5 February 2015).

1. INTRODUCTION

1.1 The High-level Safety Conference (HLSC2010) (Montréal, 29 March – 1 April 2010) recommended that ICAO establish a multidisciplinary group to progress activities regarding the protection of safety data and safety information, including certain accident and incident records as well as data supporting State Safety Programmes (SSP) and safety management systems (SMS) (Recommendation 2/4 refers).

1.2 The 37th Session of the Assembly (Montréal, 28 September – 8 October 2010) instructed the Council to consider enhancing, in view of the results of the work of the multidisciplinary group and taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture, the provisions on the protection of certain accident and incident records with the aim of facilitating the implementation of relevant provisions in Annex 13 — *Aircraft Accident and Incident Investigation* as well as provisions on information gathered through safety management processes with a view to ensure and sustain the availability of information required for the management of safety.

1.3 The Air Navigation Commission (ANC), at the seventh meeting of its 185th Session held on 7 December 2010, agreed to establish a multidisciplinary Safety Information Protection Task Force (SIPTF) to provide recommendations for new and/or enhanced provisions and guidance materials intended to assure an appropriate level of protection for certain accident and incident records and information gathered through safety management processes.

1.4 In response, the SIPTF developed recommendations for amendments to Annex 19 — *Safety Management*, addressing various issues associated with the legal protection of information gathered through safety management processes (SIPTF/4, Recommendations 4/1 and 4/2 refer). These recommendations were developed in coordination with the Safety Management Panel (SMP), which continues its work to evolve safety management provisions.

1.5 With regard to the recommendations on provisions related to the protection of flight recorder recordings in routine operations and the information generated through accident and incident investigations in Annex 13, the SIPTF further agreed that another appropriate study group, including selected SIP TF participants, under the ICAO Accident Investigation (AIG) Section, be informed of the work of the SIP TF and tasked to consider these recommendations (SIPTF/4, Recommendations 3/1, 3/2 and 4/3 refer).

1.6 The 38th Session of the Assembly (Montréal, 24 September – 4 October 2013) instructed the Council to take appropriate steps to ensure meaningful progress toward the development of new and/or amended provisions in Annex 13, Annex 19, other Annexes as appropriate, and related guidance material on the protection of certain accident and incident records and information gathered through safety management processes before the next ordinary session of the Assembly, taking into account the findings and recommendations of the SIPTF and further work informed by those findings and recommendations (Resolutions A38-3 and A38-4 refer).

1.7 In April 2014, the Secretariat established the Group of Experts on Protection of Accident and Incident Records (GEPAIR) with the objective of finalizing the recommendations of the SIPTF, addressing Standard 5.12 and Attachment E to Annex 13; and the protection and use of flight recorder recordings routine operations in Annex 6, Parts I, II and III.

1.8 The second High-level Safety Conference (HLSC2015) (Montréal, 2 – 5 February 2015) recommended 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 (Recommendation 2/2, a), refers).

2. NEW OR ENHANCED PROVISIONS

2.1 It is recognized that expeditious progress in ICAO's work to adopt new and enhanced provisions on the protection of certain accident and incident records and information collected for the purpose of maintaining or improving safety is critical (Conclusion 2/2, e), refers). These new protective frameworks will facilitate the continued availability of safety information required to proactively address aviation safety issues and to safeguard accident investigation authorities' continued access to essential information during the course of an investigation.

2.2 *Safety Management Information*

2.2.1 The HLSC2015 noted ICAO's work, supported by multiple groups of experts, in progressing specific proposals to enhance protective frameworks of information collected for the purpose of maintaining or improving safety.

2.2.2 The conference concluded that the reconciliation of inputs from the relevant groups of experts, as well as those received from States, is fundamental for the development, adoption and efficient implementation of new or enhanced provisions on this topic. Additionally, the conference recommended

that ICAO make meaningful progress in the adoption of new or enhanced provisions while ensuring their consistency, coherence and clarity.

2.3 *Certain Accident and Incident Records*

2.3.1 The ANC, during the third meeting of its 198th Session held on 29 January 2015, reviewed amendment proposals for new and enhanced provisions related to the protection of accident and incident records in Annex 13 and the protection and use of flight recorder recordings in routing operations in Annex 6 based on the work of GEPAIR. The ANC authorized the transmission of these proposals through a State letter to Contracting States and appropriate international organizations for comments. This State letter will be sent in the near future. The proposed amendments to Annex 13 and Annex 6 are anticipated to be adopted by the Council in March 2016, with an applicability date in November 2016.

3. IMPLEMENTATION STRATEGY

3.1 It is fully recognized that assistance to States in implementing the new and enhanced provisions will be needed, once adopted by the Council. In this regard, the HLSC2015 recommended that ICAO support States in implementing new and enhanced provisions.

3.2 New and enhanced protective frameworks in conjunction with the strategy designed to support their effective implementation would aim to provide much needed support of proactive safety management activities undertaken by States and service providers and will promote accident and incident investigation objectives. The effective implementation of new and enhanced provisions will provide a means for States to balance the need for the protection of safety information and the need for the proper administration of justice, consistent with the Global Aviation Safety Plan.

3.3 To support States in the implementation of the new provisions, ICAO has planned to launch a related Implementation Kit (I-Kit) in 2016 and conduct associated regional workshops, of which one is planned to be held in the MID Region in 2017.