



WORKING PAPER

**ACCIDENT INVESTIGATION AND PREVENTION (AIG)
DIVISIONAL MEETING (2008)**

Montréal, 13 to 18 October 2008

**Agenda Item 1: Annex 13
1.2: Chapter 5 of Annex 13**

USE OF INFORMATION FROM FLIGHT DATA RECORDERS (FDR)

(Presented by the Secretariat)

SUMMARY

This paper discusses the need for ICAO provisions to provide protection of information from flight data recorders from being improperly used.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 A State has proposed that ICAO provisions should provide protection of flight data recorder (FDR) data when such data is being shared with another State. Furthermore, an international organization has suggested additional measures to discourage the use of FDR data to monitor and/or check the performance of pilots.

2. DISCUSSION

2.1 ICAO has developed provisions for Annex 13 — *Aircraft Accident and Incident Investigation* and guidance material to protect from misuse records collected for investigation purposes. Differences filed by States and information obtained during ICAO USOAP audits show that despite those efforts, some States have not properly implemented legislation and/or developed procedures to adequately protect such records.

2.2 It has been suggested by a State that ICAO develop provisions for the protection of FDR data, considering that such data would sometimes be shared with States that do not have legislation that affords protection. Additional suggestions have been made from an international organization regarding the development of provisions to discourage the misuse of FDR data, to require an agreement with member associations (e.g. pilots' associations) for the use of FDRs in aircraft and that the original FDR

recording media should be permanently retained for review, following an accident, should new evaluation technology become available.

2.3 Protection of FDR data has been a topic of discussions at some safety fora and it is the opinion of many in the investigation community that protecting such data from disclosure would be difficult to achieve, mainly due to current emphasis on transparency and public access to information.

2.4 Evidence has also shown that despite the issuance by ICAO of provisions and guidance material to prevent records collected for accident investigation purposes from being improperly used, some States have not implemented legislation and/or developed procedures to adequately protect such records.

2.5 Protecting safety information from inappropriate use appears to be an implementation issue in States, rather than a need for ICAO to develop new provisions.

3. ACTION PROPOSED

3.1 The meeting is invited to note the aforementioned and agree that the issue is currently adequately addressed by ICAO provisions.

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