



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 — PROTECTION OF DATA

(Presented by the International Federation of Air Line Pilot's Associations
(IFALPA))

SUMMARY

This paper contains specific proposals for the amendment of paragraph 5.12 and 5.12.1 designed to strengthen the provisions. These proposals should be read in conjunction with the information paper submitted by IFALPA for this agenda item.

Action by the meeting is in paragraph 2.

1. PROPOSED AMENDMENTS TO ANNEX 13

1.1 **Annex 13 paragraph 5.12** requires that *the State conducting the investigation of an accident or incident, shall not make the following records available for purposes other than accident or incident investigation unless the appropriate authority for the administration of justice in that State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:*

- a) *all statements taken from persons by the investigation authority in the course of their investigation;*
- b) *all communications between persons having been involved in the operation of the aircraft;*
- c) *medical or private information regarding persons involved in the accident or incident;*
- d) *cockpit voice recordings and transcripts from such recordings;*
- e) *recordings and transcriptions of recordings from Air Traffic Control Units; and*
- f) *opinions expressed in the analysis of information, including flight recorder information.*

1.2 IFALPA submits that the last part of the first paragraph, “unless the appropriate authority for the administration of justice in that State determines that their disclosure outweighs the adverse

domestic and international impact such action may have on that or any future investigations” is inadequate and weakens the first part of this paragraph.

1.3 IFALPA further submits that, in sub-paragraph d), "cockpit voice recordings" should be changed to "all recorders".

1.4 **Annex 13 paragraph 5.12.1** states that *these records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.*

1.5 IFALPA submits that a further sentence should be added to this paragraph as follows:

“In no case shall the identity of the persons involved be disclosed to the public.”

2. **ACTION PROPOSED**

2.1 The meeting is invited to consider the proposed amendments in this paper.

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