



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

Montréal, 13 to 18 October 2008

Agenda Item 1: Annex 13

1.7: Attachment E to Annex 13

PROTECTION OF SAFETY INFORMATION

(Presented by Singapore)

SUMMARY

This paper suggests the need for more guidance material for States' reference in their development of safety information protection legislation and regulations.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 The 35th ICAO Assembly instructed the Council of ICAO to develop appropriate legal guidance that would assist States to enact laws and regulations to protect all safety data collection and processing systems (SDCPS), while allowing for the proper administration of justice in the State.

1.2 Accordingly, ICAO developed legal guidance for the protection of information from SDCPS which was incorporated as Attachment E to Annex 13. The guidance material in Attachment E is aimed at assisting States in examining, and if necessary, adjusting their laws, regulations and policies to protect certain accident and incident records in compliance with paragraph 5.12 of Annex 13.

2. DISCUSSION

2.1 States will draft their safety information protection laws in accordance with their national policies and practices. Nevertheless, it should be useful to them if ICAO could provide information on how far some States have gone in the enactment of safety information protection legislation or regulations, or if ICAO could indicate any particular protection measures that should be encouraged (e.g. making investigation reports not admissible in evidence in civil or criminal proceedings).

2.2 It is noted that ICAO has quoted in its Safety Management Manual the voluntary incident reporting systems practised in some States. In a similar way, reference material on protection measures that have actually been put in place by States or that are deemed practical to be put in place will provide useful models for States to consider.

3. **ACTION PROPOSED**

3.1 The meeting is invited to note the foregoing and consider a recommendation for ICAO to provide reference material on protection measures that have been put in place by States or that are deemed practical to be put in place.

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