



## **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**

### **USE OF AREA VOICE RECORDINGS IN THE ATC ENVIRONMENT**

(Presented by the International Federation of Air Traffic Controllers' Associations)

#### **SUMMARY**

This paper discusses IFATCA's views on the ICAO Amendment 44 to Annex 11 in regard to area voice recordings in the ATC environment, and asks the meeting to consider recommending changes that will ensure appropriate use of these recordings and protection of individual rights.

Action by the meeting is in paragraph 3

## **1. INTRODUCTION**

1.1 Amendment 44 to ICAO Annex 11 recommended that Air Traffic Control (ATC) units "... should be equipped with devices that record background communication and the aural environment at air traffic controller work stations, capable of retaining the information recorded during at least the last twenty-four hours of operation."

1.2 Annex 13, paragraph 5.12 establishes that statements from persons, communications, medical and private information, cockpit voice recorders (CVR) and transcripts, and opinions expressed in analysis of information shall not be made available for purposes other than for accident/incident investigation, unless the appropriate authority for the administration of justice in the State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations.

1.3 IFATCA agrees with the broad thrust of the recommendation and the 'protection' offered under paragraph 5.12, but would like to see the restrictions for the use of area voice recorder data tightened further.

## 2. **DISCUSSION**

2.1 IFATCA has concerns about area recordings being used in circumstances other than an ‘accident’, and submits that current requirements for air/ground and intercom recordings are sufficient for incident investigations. Our concerns are based principally around the protection of the rights and privacy of the controllers as individual citizens.

2.2 Area voice recordings should not be introduced in States where such recordings would be against the constitutional rights of controllers, as individual citizens, unless appropriate legislation was adopted ensuring preservation of these rights.

2.3 IFATCA would oppose the introduction of area voice recordings in States unless appropriate legislation has been adopted in that State that prevents the use of these recordings in criminal and civil litigation and disciplinary proceedings of any kind.

2.4 Commensurate with the professional acquittal of their duties, controllers are entitled to freedom of expression. IFATCA believes that area voice recordings should not be accessed by Air Navigation Service Providers (ANSPs), to ensure protection of individual privacies, and to ensure non-operational comments are not inappropriately used against controllers by ANSPs. Where the recordings are required for accident investigation purposes, the recordings should only be accessed by the appropriate State investigative body.

2.5 IFATCA firmly believes that in no case should the identity of any person in the recordings be disclosed or released in the public forum.

2.6 The ICAO recommendation calls for these recordings to be retained for at least twenty-four hours. As IFATCA believes that these recordings should only be used for accident investigations, it would be more appropriate and offer better preservation of rights of individuals, if procedures existed for erasure of the recordings similar to the procedures for cockpit voice recordings. There should be a protocol governing the intermediate erasure of the recordings by controllers unless an accident had occurred.

2.7 Where area voice recordings are used in accident investigations, IFATCA believes that such recordings, and any transcripts from those recordings, should be subject to the same restrictions regarding release by the State conducting the investigation, as apply in cockpit voice recordings, as detailed in Annex 13, article 5.12 (d).

## 3. **ACTION PROPOSED**

3.1 The meeting is invited to:

- a) discuss the use of area voice recordings in the ATC environment; and
- b) ask ICAO to develop additional constraints on the implementation and use of area voice recordings in the ATC environment similar to the procedures and constraints for cockpit voice recorders.