



**FIFTH MEETING OF THE AVIATION SECURITY AND FACILITATION REGIONAL
 GROUP (AVSEC/FAL/RG/5)**

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Agenda Item 9: Other issues

**REPORT OF THE REGIONAL AVIATION SAFETY GROUP — PAN AMERICA
 (RASG-PA) AS A PLANNING MODEL**

(Presented By Brazil)

EXECUTIVE SUMMARY	
This paper presents how the successes of the RASG-PA can serve as a planning model for the AVSEC/FAL/RG, regarding its role as a global leader in regional safety policy, government and industry collaboration, and safety information sharing and analysis.	
<i>Strategic Objectives:</i>	<ul style="list-style-type: none"> . Security & Facilitation
<i>References:</i>	<ul style="list-style-type: none"> . RASG-PA ESC/23 — WP/07 . RASG-PA - Procedural Handbook (3rd edition) . Proposal for Amendment to Aeronautical Legislation to Protect Safety Information Sources - 2012

1 Introduction

1.1 In response to the Assembly Resolution A36-07 - Global Planning for Safety and Efficiency (2007), the Member States of the ICAO South American (SAM) and North American, Central American, Caribbean (NACC) Regional Offices set up the first Regional Aviation Safety Group in 2008. During the constitution of the RASG-PA, the Member States took an unprecedented step to include voluntarily the industry not just as observers, but also as partners.

1.2 The leadership and initiative taken by the RASG-PA Member States to proactively develop and implement such a successful model eventually lead the ICAO Council to direct the use RASGs throughout the world. The success of RASG-PA has directly contributed to the formation of the Global Aviation Safety Plan (GASP), which promotes a global approach to coordinate the efforts of States, industry, and international organizations in the quest for a safe and orderly development of civil aviation.

1.3 This document aims at highlighting the common characteristics between RASG-PA and the AVSEC/FAL/RG, so that it can be used as a benchmarking on structure, planning and applicable tools.

2 RASG History and Development

2.1 Before the establishment of RASGs, regional mechanisms - such as Cooperative Development of Operational Safety and Continuing Airworthiness Programs (COSCAPs) and Regional Safety Oversight Organizations (RSOOs) - existed to address the specific safety needs of the regions. As these groups matured, they became more aligned with sub-regional boundaries and in some cases may have obscured the role of ICAO Regional Offices.

2.2 The ICAO Council drawn the conclusion that these groups were not sufficient in addressing and harmonizing regional flight operational safety issues. In this regard, the Council agreed that a new regional structure was needed to monitor progress, to coordinate actions among States and to make recommendations to ICAO in order to facilitate the implementation of the Global Aviation Safety Plan (GASP).

2.3 As stated, the COSCAPs and RSOOs were organized on a sub-regional basis. Considering that COSCAP/RSOO mechanisms did not cover all of the States of the region, in 2010, the ICAO Council agreed to formalize the RASGs as Council Bodies (C-DEC 190/4) with the mission to enhance civil aviation safety and efficiency through coordination and collaboration by all aviation stakeholders under ICAO leadership and to eliminate duplication of activities. The recognition of RASGs by the Council led to the establishment of a formal reporting channel that allowed for ICAO to monitor the worldwide implementation of the GASP.

2.4 The GASP is built on the principle of partnership and, as such, it is essential that all relevant stakeholders are involved in the development and implementation of any activities aimed at improving safety under the focus areas. Together with ICAO, the stakeholders in the civil aviation sector include States, airlines/operators, airports, air navigation service providers, aircraft and equipment manufacturers, maintenance and repair organizations, regional organizations, international organizations, training organizations and other industry representatives. The commitment of all stakeholders is fundamental for successfully improving safety.

2.5 RASGs were developed as regional groups as a complement of the work of the Planning and Implementation Regional Groups (PIRGs). These regional groups were intended to cross ICAO Regional Office boundaries as a cooperative forum, integrating global, regional, sub-regional, national, and industry efforts to enhance aviation safety worldwide.

2.6 Thus, it can be noticed a common ground between RASGs and the AVSEC/FAL/RG in terms of strategies on:

- . Highlighting the importance of security between states and stakeholders;
- . Promoting compliance with security provisions and states' capacity on overseeing aviation security; Fostering the Exchange of information between states aimed at increasing the awareness level on threats and security trends;
- . Promoting the common interest to the recognition of security processes.

3 Planning/structure

3.1 The RASG-PA is established to be the focal point to ensure harmonization and coordination of safety efforts aimed at reducing aviation safety risks in the North American, Central American, Caribbean (NAM/CAR), and South American (SAM) Regions and to promote the implementation of resulting safety initiatives by all stakeholders.

3.2 This will be achieved through the involvement of all stakeholders including ICAO, States, International Organizations and the industry, in longer term:

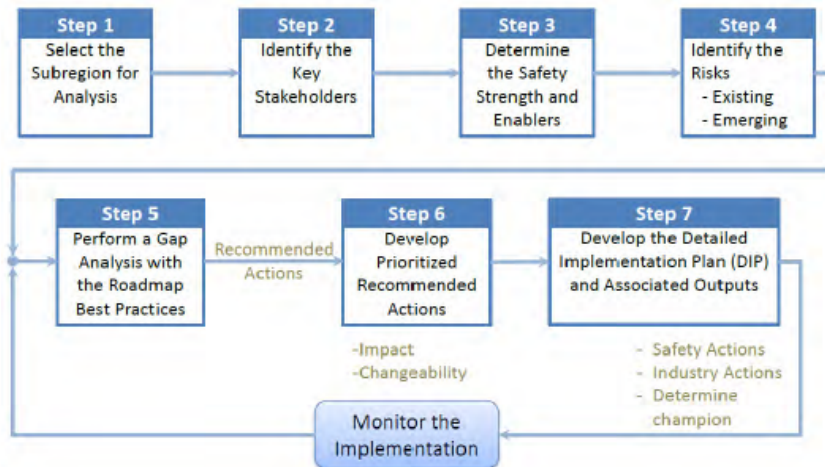
- 1) Using the framework provided by the GASP and GASR, support the establishment and operation of a performance-based safety system for the Pan American region by:

- . Ensuring that all safety activities at the regional and sub-regional level are properly coordinated to avoid duplication of efforts;
 - . Facilitating the sharing of safety information and experiences among all stakeholders from the region;
 - . Conducting follow-up activities as required; and
 - . In parts of the region where such a performance-based safety system does not exist, analyzing the risks to civil aviation at the regional level, developing action plans necessary to mitigate the risks, and coordinating and supporting their implementation.
- 2) Provide feedback to ICAO and the ISSG to continually improve and ensure an up-to-date global safety framework (GASP and GASR).

3.3 RASG-PA working groups will be established as required to support the development, implementation and prioritize of RASG-PA safety initiatives. Working groups will operate in coordination with and under the guidance of the ESC. Working groups will accomplish their tasks by developing mitigation strategies based on gathering and processing safety data and information. These mitigation strategies shall be focused on the Global Aviation Safety Plan and corresponding Global Safety Initiatives.

- a) Purpose of the Regional Aviation Safety Team (PA-RAST): analyze data driven safety risk areas identified by RASG-PA using the Global Aviation Safety Roadmap (GASR) process, recognize possible mitigation measures, and provide recommended actions.
- b) Purpose of the Safety Enhancement Teams (SETs): to prepare and develop Detailed Implementation Plans (DIPs) for the four focus areas as determined by RASG-PA, as presented:

Development of a Safety Enhancement Initiative (SEI) by RASG-PA



- c) Purpose of the Information Analysis Team (IAT): to utilize appropriate available data sources to pursue data driven predictive safety management and to provide identified safety issues to PA-RAST for action or follow-up.
- . Data Protection: all safety data utilized by the IAT or safety analysis and information developed by the IAT will be protected from public disclosure, and all data contributors will execute and be bound by the provisions of the Memorandum of Understanding between that data contributor and RASG-PA.
- d) Purpose of the Aviation Safety Training Team (ASTT):
- . Assess, identify and categorize available flight safety training.

- . Make flight safety training available to the entire aviation community through the RASGPA website.
- . Ensure that the safety training that will be available is aligned with the top three data driven risk areas as identified by the RASG-PA:
 - i. Runway Excursion (RE);
 - ii. Controlled Flight Into Terrain (CFIT);
 - iii. Loss of Control In-Flight (LOC-I).
- . Establish a methodology for reviewing and updating the RASG-PA catalogue of flight safety training material every six months.
- . Coordinate in-kind contributions of training material and support regarding the top three data-driven risk areas as identified by the RASG-PA.
- . Coordinate and implement the most efficient and effective method to disseminate training material through the use of current technology.
- . Establish metrics to determine the effectiveness of the training material available.

3.4 In the structure of RASG-PA, there is a clear definition of the work plan and framework, so that the areas of knowledge to be worked on are established on the grounds of the priority established to the technical subjects. These technical studies are the result of the data analysis and the global discussions on safety that are included in the GASP.

4 Information

4.1 Hazard identification aimed at safety management and continuous improvement is based on information that many times is obtained through error and incident reporting, which contemplates voluntary reports made by aviation professionals that may be self-incriminating or based on recordings to be used solely for improving aviation safety. Protection against inappropriate use of safety information is fundamental to ensure its continued availability so that proper and timely preventive actions can be taken.

4.2 The information obtained from accurate data is the basis for improving any system. The data collection system must not represent a threat to the person(s) providing the data. The protection of safety information sources and the use of the information must be ensured in order to promote the flow of such information.

4.3 However, the current protection offered by the aeronautical system does not fully ensure the environment of trust required in the industry-regulator relationship, an essential element for the implementation of an effective SSP, or the employee-employer relationship, also an essential element to guarantee the effective implementation of a service provider SMS.

4.4 Thus, an important part of the work implementation is based on the commitments related to access control to safety data. This may ensure the follow-up on the studies, as well as protect the people responsible to share the information, according to the information provided in annexes.

5 Suggested action

5.1 States are invited to:

- a) Take note of the information presented;
- b) Suggest to the strategic planning group to take into account this information on their work of implementing the guidelines of AVSEC/FAL/RG technical work.

APPENDIX B

RULES OF THE ROAD FOR PARTICIPANTS IN INFORMATION ANALYSIS TEAM (IAT)

This is not a public information. By signing below you agree to the following Rules of the Road:

We will hold each participant accountable for the following:

1. We will consider all IAT information to be proprietary property of the presenting organization.
2. We will not use any information presented by another participating organization for commercial, competitive, punitive, or litigation purposes.
3. We will not share the proprietary information of participants with external parties without the written consent of the owner.
4. We will endeavor to inform other participants as quickly as possible of any significant safety issue arising from our data sources.
5. We will work to implement rational solutions to safety issues identified through information sharing.
6. We will treat all participants with equality, respecting all viewpoints as worthy of consideration.
7. The level and method of information sharing rests with the participant and it is expected that each participant will speak with honesty and candor.

Name of Participant

Location/Date

APPENDIX A

ATTACHMENT E TO ANNEX 13 ON ACCIDENT AND INCIDENT INVESTIGATION LEGAL GUIDANCE FOR THE PROTECTION OF INFORMATION GATHERED FROM SAFETY DATA COLLECTION AND PROCESSING SYSTEMS

1. Introduction

1.1 The protection of safety information is essential to ensure its continued availability, since the use of safety information for purposes other than safety can prevent the future availability of such information, thus affecting safety. This fact was recognised by the 35th Assembly of ICAO, which noted that existing national laws and regulations in many Contracting States might not adequately address the manner in which safety information is protected from inappropriate use.

1.2 The guidance contained in this attachment is therefore aimed at assisting Contracting States enact national laws and regulations to protect information gathered from safety data collection and processing systems (SDCPS), while allowing for the proper administration of justice. The objective is to prevent inappropriate use of information collected solely for the purpose of improving aviation safety.

1.3 Because of the different legal systems in Contracting States, the legal guidance must allow Contracting States the flexibility to draft their laws and regulations in accordance with their national policies and practices.

1.4 The guidance contained in this attachment, therefore, takes the form of a series of principles that have been distilled from examples of national laws and regulations provided by Contracting States. The concepts described in these principles could be adapted or modified to meet the particular needs of the State enacting laws and regulations to protect safety information.

1.5 Throughout this attachment:

- a) safety information refers to information contained in SDCPS established for the sole purpose of improving aviation safety, and qualified for protection under specified conditions in accordance with 3.1;
- b) operational personnel refers to personnel involved in aviation operations who are in a position to report safety information to SDCPS. Such personnel include, inter alia, flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, cabin crews, flight dispatchers and apron personnel;
- c) inappropriate use refers to the use of safety information for purposes different from the purposes for which it was collected, namely, use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, or disclosure of information to the public;
- d) SDCPS refers to processing and reporting systems, databases, schemes for exchange of information, and recorded information and include:
 - 1) records pertaining to accident and incident investigations, as described in Chapter 5;
 - 2) mandatory incident reporting systems, as described in Chapter 8;
 - 3) voluntary incident reporting systems, as described in Chapter 8; and
 - 4) self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.

Note.- Information on safety data collection and processing systems can be found in the ICAO Safety Management Manual (Doc 9859).

2. General Principles

2.1 The sole purpose of protecting safety information from inappropriate use is to ensure continued availability so that proper and timely preventive actions can be taken and aviation safety improved.

2.2 It is not the purpose of protecting safety information to interfere with the proper administration of justice in Contracting States.

2.3 National laws and regulations protecting safety information must ensure that a balance is struck between the need for the protection of safety information in order to improve aviation safety, and the need for the proper administration of justice.

2.4 National laws and regulations protecting safety information must prevent its inappropriate use.

2.5 Providing protection to qualified safety information under specified conditions is part of the safety responsibilities of a State.

3. Principles of Protection

3.1 Safety information must qualify for protection from inappropriate use according to specified conditions that should include, but not necessarily be limited to: the collection of information was for explicit safety purposes and the disclosure of the information would hinder its continued availability.

3.2 The protection must be specific for each SDCPS, based upon the nature of the safety information it contains.

3.3 A formal procedure must be established to provide protection to qualified safety information, in accordance with specific conditions.

3.4 Safety information shall not be used in a way different from the purposes for which it was collected.

3.5 The use of safety information in disciplinary, civil, administrative, and criminal proceedings will be carried out only under suitable safeguards provided by national law.

4. Principles of Exception

4.1 Exceptions to the protection of safety information shall only be granted by national laws and regulations when:

- a) there is evidence that the occurrence was caused by an act considered, in accordance with the law, to be conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or willful misconduct;
- b) an appropriate authority considers that circumstances reasonably indicate that the occurrence may have been caused by conduct with the intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or willful misconduct; or
- c) a review by an appropriate authority determines that the release of the safety information is necessary for the proper administration of justice and that its release outweighs the adverse domestic and international impact such release may have on the future availability of safety information.

5. Public Disclosure

5.1 Subject to the principles of protection and exception outlined above, any person seeking disclosure of safety information shall justify its release.

5.2 Formal criteria for disclosure of safety information shall be established, and these will include, but not necessarily be limited to, the following:

- a) disclosure of the safety information is necessary to correct conditions that compromise safety and to change policies and regulations;

- b) disclosure of the safety information does not inhibit its future availability in order to improve safety;
- c) disclosure of relevant personal information included in the safety information complies with applicable privacy laws; and
- d) disclosure of the safety information is made in a de-identified, summarised or aggregate form.

6. Responsibility of the Custodian of Safety Information

6.1 Each SDCPS shall have a designated custodian. It is the responsibility of the custodian of safety information to apply all possible protection regarding the disclosure of the information, unless:

- a) the custodian of the safety information has the consent of the originator of the information for its disclosure by the custodian; or
- b) the custodian of the safety information is satisfied that the release of safety information is in accordance with the principles of exception.

7. Protection of Recorded Information

7.1 Considering that ambient workplace recordings required by legislation, such as cockpit voice recordings (CVR), may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to:

- a) subject to the principles of protection and exception above, national laws and regulations shall consider ambient workplace recordings required by law as privileged protected information, that is, information deserving enhanced protection; and
- b) national laws and regulations shall provide specific measures of protection to such recordings as to their confidentiality and access by the public. Such specific measures of protection of workplace recordings required by law may include the issuance of orders of non-public disclosure.