

# The Protection of Safety Data, Safety Information, and Related Sources

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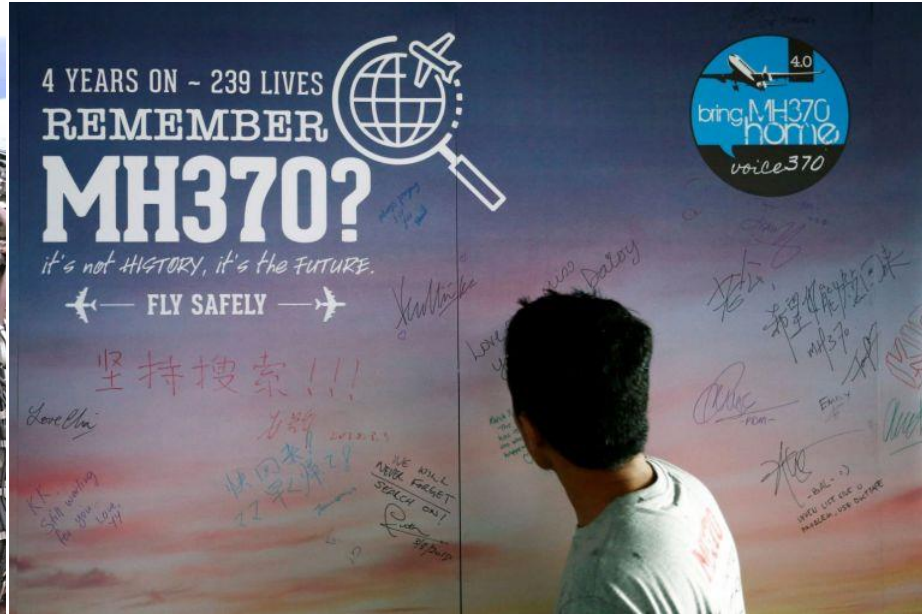
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**Baker  
McKenzie.**



# Why We Are Here



# Safety Information Used for Non-Safety Purposes

The UK Court of Appeal Decision *Hoyle v. Rogers* in 2014 admitted the entirety of the accident report into civil litigation to establish liability.

In the **Germanwings** accident, portions of the CVR were released on television.

**Comair** magistrate: voluntary reports discoverable

**Spanair, AF447, Helios**, misuse of safety information.





# ICAO Annex 19 – *Safety Management*

- Develop **advance arrangements** to promote cooperation among countries, relevant civil aviation authorities, and aviation organizations.
- Defining terms such as “**inappropriate use,**” “**reckless conduct,**” “**gross negligence,**” and “**wilful misconduct**” will always be a challenge to address for different legal systems and cultures.
- Use **balancing test** to weigh likely adverse effect of disclosure on aviation safety.
- Engage now externally with **training of judicial and law enforcement stakeholders.**
- Consider more protection in the context of **Freedom of Information-type laws.**



# ICAO Annex 19 – *Safety Management*

What more should be done at ICAO, State and service provider levels?

- At ICAO level:
  - Need **ICAO regional training and audit** of SIP implementation at the State and organization levels
- At the State level (SSP):
  - Implementation of **training courses** for aviation and judicial stakeholders.
- At the organization level (SMS):
  - **Cross-border implementation of SIP** at the regional level.
- **Develop ready-to-use toolkits**



# ICAO Annex 19 – *Safety Management* (Cont'd)

## Flight Safety Foundation's **Global Safety Information Project**

- Update on the SIP portion of GSIP
- SIP toolkit
  - 3 levels based on the **level of implementation and sophistication** of SIP framework
- What's next?
  - **GSIP Workshops** for organizations in Latin America and Asia Pacific
  - **Training** at the national and regional levels



A blurred background image of the Singapore skyline, featuring the Marina Bay Sands hotel on the left and the Singapore Flyer Ferris wheel on the right, both reflected in the water. The sky is a clear, light blue.

Questions?