



**Thirtieth Regional Aviation Safety Group — Pan America Executive Steering Committee Meeting
(RASG-PA ESC/30)**

ICAO NACC Regional Office, Mexico City, Mexico, 21- 22 March 2018

Agenda Item 9: Other Business

**IMPLEMENTATION OF THE PROVISIONS RELATED TO THE PROTECTION OF SAFETY DATA, SAFETY
INFORMATION AND RELATED SOURCES**

(Presented by the Secretariat)

| EXECUTIVE SUMMARY | |
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| This paper provides a summary of work undertaken by ICAO to assist Member States with the implementation of provisions related to the protection of safety data, safety information and related sources. The paper also addresses concerns raised by IATA in its working paper RASG-PA ESC/29 –WP/08. | |
| Action: | Action by the meeting is in paragraph 4 |
| <i>Strategic Objectives:</i> | <ul style="list-style-type: none">• Safety |
| <i>References:</i> | <ul style="list-style-type: none">• Annex 19 — <i>Safety Management</i>• Doc 9859, <i>Safety Management Manual (SMM)</i>• Doc 10075, <i>Assembly Resolutions in Force as of 6 October 2016</i>• A39-WP/515, <i>Report of the Technical Commission on Agenda Item 36</i> |

1. Introduction

1.1 Amendment 1 to Annex 19 — *Safety Management* was adopted in March 2016, became effective in July 2016 and will be applicable on 7 November 2019. The amendment includes an upgrade of provisions related to the protection of safety data, safety information and related sources.

1.2 The protection of safety data, safety information and related sources is an important enabler of safety management that is critical to ensure the continued availability of safety data and safety information. The use of safety data and safety information for purposes other than maintaining or improving safety may inhibit the future availability of such data and information, with a significant adverse effect on safety.

1.3 The protection provisions in Annex 19 apply to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources. This may also apply to mandatory safety reporting systems, where it is applicable.

1.4 Automatic data capture systems don't fall under mandatory or voluntary safety reporting systems. As per Amendment 40-B to Annex 6, they shall contain adequate safeguards to protect the source(s) of the data.

1.5 Furthermore, while Annex 19 provides protection to recorded data when it is used for safety management purposes, Amendment 40-B to Annex 6 affords protection to the flight recorder recordings (e.g. CVR and AIR) in normal operations, outside Annex 13 type investigations.

2. 39th Session of the Assembly

2.1 The 39th Session of the ICAO Assembly reviewed working paper A39-WP/117, presented by IATA, that highlighted the importance of State and industry collaboration in establishing safety data collection and processing system (SDCPS) models that adhere to the protection principles as outlined in Annex 19. The paper further proposed that ICAO facilitate the collaboration between States and industry.

2.2 It should be noted that the Assembly expressed its support for State and industry collaboration and encouraged Member States to implement recently adopted provisions related to the protection of safety data, safety information and related sources. However, the Assembly did not request ICAO to facilitate this collaboration.

2.3 In order to support States with the implementation of provisions related to the protection of safety data, safety information and related sources, ICAO has developed various implementation tools.

3. ICAO Support for the Implementation of Amendment 1 to Annex 19

3.1 As part of the fourth edition of the *Safety Management Manual* (SMM) (Doc 9859), ICAO developed guidance material that describes the basic principles governing the protection of safety data and safety information captured by or derived from safety reporting systems, as well as the sources of such data and information. The material also provides guidance and advice on the implementation of these principles by State aviation regulatory authorities, service providers, legislators, lawyers, prosecutors, judicial officers and other competent authorities with responsibility for making decisions about the use and protection of safety data, safety information and their related sources. This material may be of use to any other persons seeking access to or the disclosure of safety data or safety information.

3.2 The guidance material is complemented by the Safety Management Implementation website which serves as a repository for the sharing of examples and tools to support safety management implementation. States and international organizations are invited to submit examples and tools for validation and subsequent posting on the website. In addition, a new module on the protection of safety data, safety information and related sources will be added to the existing safety management online training course by the end of 2018.

3.3 ICAO is also delivering regional safety management symposia across all ICAO regions. The symposia provides an important information-sharing opportunity for regulators, service providers, operational personnel and all aviation professionals involved in safety-management activities. One of the objectives of the symposia is to promote collaborative efforts between regulatory authorities and service providers to ensure that safety data and safety information is used for purposes of maintaining or improving safety.

3.4 The regional safety management symposium for the North American, Central American and Caribbean & South American Regions was held from 13 to 14 March 2018 in Lima, Peru. The event was attended by more than 140 participants from States, international organizations and service providers.

3.5 In addition to the regional safety management symposia, workshops are expected to be delivered either combined with the symposia or separately over the course of twenty-four months across all ICAO regions. The workshops will be tailored to the needs of each region. These workshops will focus on the more practical aspects of safety management, including the protection of safety data, safety information and related sources, and be based on case studies and hands on exercises.

4. Suggested Action

4.1 The meeting is invited to:

- a) Note the information provided in this paper; and
- b) participate in the different workshops and training events for supporting the Implementation of Amendment 1 to Annex 19.