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Международная
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منظمة الطيران
المدني الدولي

国际民用
航空组织

Ref.: N1-17 – **EMX0890**

19 August 2008

To: Civil Aviation Authorities

Subject: **Information on Legislation, Regulations and Programmes to encourage the Flow of Information related to Safety Risks.**

Dear Sir/Madam:

I have the honor to address this letter to you regarding the ICAO Global Aviation Safety Plan (GASP), Global Safety Initiative (GSI/3) - *Effective Error and Incident Reporting*, and the results of the Global Aviation Safety Roadmap (GASR) Workshop conducted in Bogotá, Colombia, from 19 to 23 May 2008.

This workshop was conducted under the process outlined in the GASP, and four of the twelve operational safety initiative focal areas in the GASR were considered including: GSI/2 - *Consistent Regulatory Oversight*; GSI/3 - *Effective Error and Incident Reporting*; GSI/5 - *Consistent Coordination of Regional Programmes*; and GSI/12 - *Use of Technology to Enhance Safety*.

The objective of GSI/3 is to encourage the flow of aviation safety hazard and risk information. The strategy to reach our goal lies in the promotion of legislative changes and the creation of regulations that will facilitate the establishment of an open system for reporting aviation related incidents and hazards and the protection of information that is related to operational safety.

The effective flow of aviation hazard and incident data is vital for continuous assessment, evaluation, correction and prevention of accidents and incidents. The information acquired from voluntary reports written by aviation professionals often become self-incriminatory; the information obtained by this method should only be used for operational safety purposes. It is fundamental to clarify that this information should be protected to ensure the continuous flow of safety critical information. The usage of safety information for other than operational safety purposes will inhibit the availability of information and create an impediment to obtaining critical safety information.

The analysis of GSI/3, which addresses impediments to reporting errors and incidents showed a maturity level of 2, indicating that opportunities for improvements have been identified and, therefore, should be implemented. Ten recommendations were established, which can be summarized as: (1) development and implementation of laws and standards; (2) implementation of reporting tools; (3) training activities; and (4) regional cooperation.

To further advance in the implementation and development of legislation and standards, please complete and submit the attached questionnaire to this Regional Office ***before 15 September 2008***.

Accept, Sir/Madam, the assurances of my highest consideration.

A digital signature in black ink is overlaid on a blue circular stamp. The stamp contains the text 'Firma Digital' on the left and 'Digital Signature' on the right, with a central emblem.

Loretta Martin
Secretary of the RASG-PA

Enclosure: *the above indicated*

Questionnaire on legislation, regulations and programmes to promote the flow of safety risk information

References:

1. Global Safety Initiative # 3 (GSI/3) of the ICAO Global Aviation Safety Plan
2. Global Aviation Safety Roadmap (GASR)
3. Report of the Global Aviation Safety Roadmap Workshop (Bogotá, Colombia, 19 to 23 May 2008.)

Background:

Error and incident reporting are essential elements of the free flow of data that is required to assess aviation system safety on a continuous basis and to correct deficiencies when warranted. The reporting typically comes from voluntary reports by aviation professionals that may be self-incriminating or from recordings that are intended to be used only for safety purposes. It is essential to protect such safety information from inappropriate use in order to ensure its continued availability. The use of safety information for other than safety-related purposes can inhibit the future availability of such information with an adverse effect on safety.

A “Just Culture” is defined as an atmosphere of trust in which people are encouraged and even rewarded for providing essential safety-related information, even if self-incriminating, but in which all parties clearly understand which types of behaviors are acceptable or unacceptable.

In the GASR, the term “open reporting” refers to incident reporting. Such reporting is *open* in the sense that it encourages reporting and use beyond that which is mandated. It is also *confidential* in that the reporter’s identity is protected.

Open reporting systems are intended to:

- Clearly identify and understand the hazards or risks
- Protect the identity of persons reporting information

State legislation must include provisions that protect privacy, prevent self-incrimination and properly apportion criminal liability for actions. Without these basic features full disclosure of safety related information will be extremely difficult.

The following questionnaire seeks to collect information on implementation of legislation, regulations and programmes to promote the flow of safety risk information.

1. Indicate the status of **legislation** implemented in your State that promotes the effective flow of aviation safety hazard and incident information.

a) Legislation approved, *indicate date of approval by governmental entity, attaching documentation.*

b) If in process of approval, *indicate estimated date of approval by governmental entity, attaching documentation of legislation.*

c) The legislation has not been developed yet.

2. Indicate the status of your State with reference to the implementation of **regulations** to promote the effective flow of aviation safety hazard and incident information.

a) If the regulation is approved, *indicate the date of approval, attaching a copy of the regulation.*

b) If in process of approval, *indicate the expected approval date and attach documentation of the regulation.*

c) The regulation has not been developed yet.

3. Has your State developed a **programme** to promote the effective flow of critical operational safety information?

- a) Yes (*attach copy of the programme*).
- b) Implementation in process (*attach copy of the programme*).
- c) No, the programme has not been developed yet.

4. **Additional information** (*attach any relevant information*).

- END -