

**COVER SHEET TO AMENDMENT 11**

**INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

# **AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION**

**ANNEX 13  
TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

**NINTH EDITION — JULY 2001**

**INTERNATIONAL CIVIL AVIATION ORGANIZATION**

# Checklist of Amendments to Annex 13

	<i>Effective date</i>	<i>Date of applicability</i>
Ninth Edition (incorporates Amendments 1 to 10)	16 July 2001	1 November 2001
Amendment 11 (adopted by the Council on 3 March 2006) Replacement pages (iv), (ix), 5-3 to 5-5, 8-1, ATT D-2, ATT E-1 to ATT E-3	17 July 2006	23 November 2006



*Transmittal note*

Amendment 11

to the

International Standards and  
Recommended Practices

AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

(Annex 13 to the Convention on International Civil Aviation)

1. Insert the following replacement and new pages in Annex 13 (Ninth Edition) to incorporate Amendment 11 which becomes applicable on 23 November 2006:
    - a) Page (iv) — Table of Contents
    - b) Page (ix) — Foreword
    - c) Pages 5-3 to 5-5 — Chapter 5
    - d) Page 8-1 — Chapter 8
    - e) Page ATT D-2 — Attachment D
    - f) New pages ATT E-1 to ATT E-3 — Attachment E (new attachment)
  2. Record the entry of this amendment on page (ii).
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<i>Amendment</i>	<i>Source(s)</i>	<i>Subject(s)</i>	<i>Adopted Effective Applicable</i>
8 (7th Edition)	Air Navigation Commission	Addition, in the definition of serious injury, of exposure to infectious substances and injurious radiation; new attachment regarding disclosure of records; editorial changes.	22 January 1988 22 May 1988 17 November 1988
9 (8th Edition)	Accident Investigation Divisional Meeting (AIG/1992)	Change of title; new or revised definitions of causes, investigation, serious incident, State of Design, State of Manufacture, and State of the Operator; strengthening of the specifications concerning applicability and the objective of the investigation; strengthening of the specifications concerning the responsibilities, rights and entitlements of the State of Design and the State of Manufacture; new specifications concerning the notification and investigation of serious incidents; strengthening of the specifications concerning notification of accidents and serious incidents; new specification concerning assistance by States nearest to an accident in international waters; new specification concerning the separation of any judicial or administrative proceedings to apportion blame or liability from an accident investigation; strengthening of the specifications concerning the use and read-out of the flight recorders; strengthening of the specifications concerning autopsy examinations and coordination with the judicial authorities; strengthening of the specifications concerning disclosure of records and deletion of the related attachment; strengthening of the specifications concerning the responsibility of other States to provide information and their rights of participation; new specification concerning organizational information and strengthening of the specifications concerning the participation of the operator; strengthening of the specifications concerning the entitlement of accredited representatives and a new specification concerning their obligations; strengthening of the specification concerning participation of States having suffered fatalities or serious injuries to its citizens; strengthening of the specifications concerning the ADREP preliminary report and the accident/incident data report; strengthening of the specifications concerning consultation, publication and dissemination of the Final Report; new and strengthened specifications concerning accident prevention measures; new sub-paragraph and changes to the format of the Final Report in the Appendix; updated notification and reporting checklist in Attachment B; list of examples of serious incidents as a new Attachment D.	23 March 1994 25 July 1994 10 November 1994
10 (9th Edition)	Accident Investigation and Prevention (AIG) Divisional Meeting (1999)	Changes to the notification of an accident or serious incident and new provisions to acknowledge receipt of the notification; new provisions to provide details of dangerous goods; widening the provisions for responsibility to initiate, conduct and delegate the investigation; new provisions for medical examinations; aligning the rights and obligations of the State of Registry and the State of the Operator with those of the State of Design and the State of Manufacture; strengthening of the provisions of participation of States having suffered fatalities to its citizens; new title for Chapter 6 which contains the provisions related to the Final Report; strengthening of the consultation procedure and inclusion of the operator and the manufacturer; new provision for interim reports; new title for Chapter 7 which contains the provisions for ADREP reporting; strengthening of the provisions on mandatory incident reporting systems; new provisions on voluntary incident reporting systems and non-punitive environment; strengthening of the provisions on database systems, analysis of data and preventive actions; new provision on exchange of safety information; updating of Attachment B; deletion of Attachment C; new Attachment on guidelines for flight recorder read-out and analysis.	26 February 2001 16 July 2001 1 November 2001
11	Accident Investigation and Prevention (AIG) Divisional Meeting (1999); Air Navigation Commission; Assembly Resolution A35-17	a) participation of other States in investigations; b) non-disclosure of recordings and transcripts of recordings from air traffic control units; and c) legal guidance for the protection of information from safety data collection and processing systems.	3 March 2006 17 July 2006 23 November 2006

*judicial authority carrying the recordings to the place of read-out, thus maintaining custody.*

#### **Informing aviation security authorities**

5.11 If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

#### **Non-disclosure of records**

5.12 The State conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the appropriate authority for the administration of justice in that State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

- a) all statements taken from persons by the investigation authorities in the course of their investigation;
- b) all communications between persons having been involved in the operation of the aircraft;
- c) medical or private information regarding persons involved in the accident or incident;
- d) cockpit voice recordings and transcripts from such recordings; and
- e) recordings and transcriptions of recordings from air traffic control units; and
- f) opinions expressed in the analysis of information, including flight recorder information.

5.12.1 These records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

*Note 1.— Information contained in the records listed above, which includes information given voluntarily by persons interviewed during the investigation of an accident or incident, could be utilized inappropriately for subsequent disciplinary, civil, administrative and criminal proceedings. If such information is distributed, it may, in the future, no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect flight safety.*

*Note 2.— Attachment E contains legal guidance for the protection of information from safety data collection and processing systems.*

#### **Re-opening of investigation**

5.13 If, after the investigation has been closed, new and significant evidence becomes available, the State which conducted the investigation shall re-open it. However, when the State which conducted the investigation did not institute it, that State shall first obtain the consent of the State which instituted the investigation.

### **RESPONSIBILITY OF ANY OTHER STATE**

#### **Information — Accidents and incidents**

5.14 Any State shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to it.

*Note.— See also 5.16.*

5.15 Any State, the facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or an incident, and which has information pertinent to the investigation, shall provide such information to the State conducting the investigation.

### **RESPONSIBILITY OF THE STATE OF REGISTRY AND THE STATE OF THE OPERATOR**

#### **Flight recorders — Accidents and serious incidents**

5.16 When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, the State of Registry or the State of the Operator shall, on request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders.

*Note.— In implementing 5.16, the State of Registry or the State of the Operator may request the cooperation of any other State in the retrieval of the flight recorder records.*

#### **Organizational information**

5.17 The State of Registry and the State of the Operator, on request from the State conducting the investigation, shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

### **PARTICIPATION IN THE INVESTIGATION**

*Note.— Nothing in this Annex is intended to imply that the accredited representative and advisers of a State have to be*

always present in the State in which the investigation is conducted.

PARTICIPATION OF THE STATE OF REGISTRY,  
THE STATE OF THE OPERATOR,  
THE STATE OF DESIGN AND  
THE STATE OF MANUFACTURE

### **Rights**

5.18 The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigation.

*Note.— Nothing in this Standard is intended to preclude the State that designed or manufactured the powerplant or major components of the aircraft from requesting participation in the investigation of an accident.*

5.19 The State of Registry or the State of the Operator shall appoint one or more advisers, proposed by the operator, to assist its accredited representative.

5.19.1 **Recommendation.**— *When neither the State of Registry, nor the State of the Operator appoint an accredited representative, the State conducting the investigation should invite the operator to participate, subject to the procedures of the State conducting the investigation.*

5.20 The State of Design and the State of Manufacture shall be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

5.21 **Recommendation.**— *When neither the State of Design nor the State of Manufacture appoint an accredited representative, the State conducting the investigation should invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of the State conducting the investigation.*

### **Obligations**

5.22 When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 kg specifically requests participation by the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, the State(s) concerned shall each appoint an accredited representative.

*Note 1.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State that designed or manufactured the powerplant or major components*

*of the aircraft to appoint an accredited representative whenever the former State believes that a useful contribution can be made to the investigation or when such participation might result in increased safety.*

*Note 2.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State of Design and the State of Manufacture to give assistance in the investigation of accidents other than those in 5.22.*

## PARTICIPATION OF OTHER STATES

### **Rights**

5.23 Any State which on request provides information, facilities or experts to the State conducting the investigation shall be entitled to appoint an accredited representative to participate in the investigation.

*Note.— Any State that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator, may also be invited to appoint an accredited representative to participate in the investigation.*

## ENTITLEMENT OF ACCREDITED REPRESENTATIVES

### **Advisers**

5.24 A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative in the investigation.

*Note 1.— Nothing in the above provisions is intended to preclude a State participating in an investigation from calling upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.*

*Note 2.— Facilitation of the entry of the accredited representatives, their advisers and equipment is covered in Annex 9 — Facilitation. The carriage of an official or service passport may expedite the entry.*

5.24.1 Advisers assisting accredited representatives shall be permitted, under the accredited representatives' supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.



**Participation**

5.25 Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-charge, in particular to:

- a) visit the scene of the accident;
- b) examine the wreckage;
- c) obtain witness information and suggest areas of questioning;
- d) have full access to all relevant evidence as soon as possible;
- e) receive copies of all pertinent documents;
- f) participate in read-outs of recorded media;
- g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- h) participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and
- i) make submissions in respect of the various elements of the investigation.

However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under 5.23.

*Note 1.— It is recognized that the form of participation would be subject to the procedures of the State in which the investigation, or part thereof, is being conducted.*

*Note 2.— The collection and recording of information need not be delayed to await the arrival of an accredited representative.*

*Note 3.— Nothing in this Standard precludes the State conducting the investigation from extending participation beyond the entitlement enumerated.*

*Note 4.— The pertinent documents referred to in subparagraph e) also include documents such as the reports on examinations of components or studies performed within the framework of the investigation.*

**Obligations**

5.26 Accredited representatives and their advisers:

- a) shall provide the State conducting the investigation with all relevant information available to them; and
- b) shall not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

*Note.— Nothing in this Standard precludes prompt release of facts when authorized by the State conducting the investigation, nor does this Standard preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.*

**PARTICIPATION OF STATES HAVING SUFFERED  
FATALITIES OR SERIOUS INJURIES  
TO ITS CITIZENS**

**Rights and entitlement**

5.27 A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be permitted by the State conducting the investigation to appoint an expert who shall be entitled to:

- a) visit the scene of the accident;
- b) have access to the relevant factual information;
- c) participate in the identification of the victims;
- d) assist in questioning surviving passengers who are citizens of the expert's State; and
- e) receive a copy of the Final Report.

## CHAPTER 8. ACCIDENT PREVENTION MEASURES

*Note.— The objective of these specifications is to promote accident prevention by analysis of accident and incident data and by a prompt exchange of information.*

### **Incident reporting systems**

8.1 A State shall establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

8.2 **Recommendation.**— *A State should establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system.*

8.3 A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information.

*Note 1.— A non-punitive environment is fundamental to voluntary reporting.*

*Note 2.— States are encouraged to facilitate and promote the voluntary reporting of events that could affect aviation safety by adjusting their applicable laws, regulations and policies, as necessary.*

*Note 3.— Guidance related to both mandatory and voluntary incident reporting systems is contained in the Safety Management Manual (SMM) (Doc 9859).*

*Note 4.— Attachment E contains legal guidance for the protection of information from safety data collection and processing systems.*

### **Database systems**

8.4 **Recommendation.**— *A State should establish an accident and incident database to facilitate the effective analysis of information obtained, including that from its incident rep*

8.5 **Recommendation.**— *The database systems should use standardized formats to facilitate data exchange.*

*Note 1.— Guidance material related to the specification for such databases will be provided by ICAO upon request from States.*

*Note 2.— States are encouraged to foster regional arrangements, as appropriate, when implementing 8.4.*

### **Analysis of data — Preventive actions**

8.6 A State having established an accident and incident database and an incident reporting system shall analyse the information contained in its accident/incident reports and the database to determine any preventive actions required.

*Note.— Additional information on which to base preventive actions may be contained in the Final Reports on investigated accidents and incidents.*

8.7 **Recommendation.**— *If a State, in the analysis of the information contained in its database, identifies safety matters considered to be of interest to other States, that State should forward such safety information to them as soon as possible.*

8.8 **Recommendation.**— *In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they should also be transmitted to that State's investigation authority.*

### **Exchange of safety information**

8.9 **Recommendation.**— *States should promote the establishment of safety information sharing networks among all users of the aviation system and should facilitate the free exchange of information on actual and potential safety deficiencies.*

*Note.— Standardized definitions, classifications and formats are needed to facilitate data exchange. Guidance material on the specifications for such information-sharing networks will be provided by ICAO upon request.*

## **ATTACHMENT D. GUIDELINES FOR FLIGHT RECORDER READ-OUT AND ANALYSIS**

### **Initial response**

The aftermath of a major accident is a demanding time for any State's investigation authority. One of the immediate items requiring a decision is where to have the flight recorders read out and analysed. It is essential that the flight recorders be read out as early as possible after an accident. Early identification of problem areas can affect the investigation at the accident site where evidence is sometimes transient. Early identification of problem areas may also result in urgent safety recommendations which may be necessary to prevent a similar occurrence.

Many States do not have their own facilities for the playback and analysis of flight recorder information (both voice and data) and consequently request assistance from other States. It is essential, therefore, that the accident investigation authority of the State conducting the investigation make timely arrangements to read out the flight recorders at a suitable readout facility.

### **Choice of facility**

The investigating State may request assistance from any State that, in its opinion, can best serve the investigation. The manufacturer's standard replay equipment and playback software, which is typically used by airlines and maintenance facilities, is not considered adequate for investigation purposes. Special recovery and analysis techniques are usually required if the recorders have been damaged.

Facilities for the read-out of flight recorders should have the following capabilities:

- a) the ability to disassemble and read out recorders that have sustained substantial damage;
- b) the ability to play back the original recording/memory module without the need for the use of a manufacturer's copy device or the recorder housing that was involved in the accident or incident;
- c) the ability to manually analyse the raw binary waveform from digital tape flight data recorders;
- d) the ability to enhance and filter voice recordings digitally by means of suitable software; and

- e) the capability to graphically analyse data, to derive additional parameters not explicitly recorded, to validate the data by cross-checking and other analytical methods to determine data accuracy and limitations.

### **Participation by the State of Manufacture (or Design) and the State of the Operator**

The State of Manufacture (or Design) has airworthiness responsibilities and the expertise normally required to read out and analyse flight recorder information. Since flight recorder information can often reveal airworthiness problems, the State of Manufacture (or Design) should have a representative present when the flight recorder read-out and analysis are being conducted in a State other than the State of Manufacture (or Design).

The State of the Operator has regulatory responsibilities regarding the flight operation and can provide insights into operational issues which may be specific to the operator. Since flight recorder information can reveal operational problems, the State of the Operator should also have a representative present when the flight recorder read-out and analysis are being conducted.

### **Recommended procedures**

The flight data recorder and the cockpit voice recorder should be read out by the same facility, because they contain complementary data which can help validate each recording and aid in determining timing and synchronization.

Flight recorders should not be opened or powered up and original recordings should not be copied (particularly not by high-speed copy devices) prior to the read-out because of the risk of damage to the recordings.

The facility at which the flight recorders are read out for another State should be given an opportunity to comment on the Final Report in order to ensure that the characteristics of the flight recorder analysis have been taken into account.

The facility at which the flight recorders are read out may require the expertise of the aircraft manufacturer and the operator in order to verify the calibration data and validate the recorded information.

The State conducting the investigation may leave the original recordings, or a copy of them, with the read-out facility until the investigation is completed, in order to facilitate the timely resolution of additional requests or clarifications, providing that the facility has adequate security procedures to safeguard the recordings.

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## **ATTACHMENT E. LEGAL GUIDANCE FOR THE PROTECTION OF INFORMATION FROM SAFETY DATA COLLECTION AND PROCESSING SYSTEMS**

### **1. INTRODUCTION**

1.1 The protection of safety information from inappropriate use is essential to ensure its continued availability, since the use of safety information for other than safety-related purposes may inhibit the future availability of such information, with an adverse effect on safety. This fact was recognized by the 35th Assembly of ICAO, which noted that existing national laws and regulations in many States may 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 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 the inappropriate use of information collected solely for the purpose of improving aviation safety.

1.3 Because of the different legal systems in States, the legal guidance must allow 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 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 below;
- b) *operational personnel* refers to personnel involved in aviation operations who are in a position to report safety information to SDCPS. Such personnel include, but are not limited to, 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, and/or disclosure of the 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 Safety Management Manual (SMM) (Doc 9859).*

### **2. GENERAL PRINCIPLES**

2.1 The sole purpose of protecting safety information from inappropriate use is to ensure its 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 States.

2.3 National laws and regulations protecting safety information should 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 should prevent its inappropriate use.

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

### 3. PRINCIPLES OF PROTECTION

3.1 Safety information should 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 inhibit its continued availability.

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

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

3.4 Safety information should 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 should be carried out only under suitable safeguards provided by national law.

### 4. PRINCIPLES OF EXCEPTION

Exceptions to the protection of safety information should 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 wilful misconduct;
- b) an appropriate authority considers that circumstances reasonably indicate that the occurrence may have been caused by conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful 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 should justify its release.

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

- a) disclosure of the safety information is necessary to correct conditions that compromise safety and/or 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, summarized or aggregate form.

### 6. RESPONSIBILITY OF THE CUSTODIAN OF SAFETY INFORMATION

Each SDCPS should 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 disclosure; or
- b) the custodian of the safety information is satisfied that the release of the safety information is in accordance with the principles of exception.

### 7. PROTECTION OF RECORDED INFORMATION

Considering that ambient workplace recordings required by legislation, such as cockpit voice recorders (CVRs), 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 should consider ambient workplace recordings required by legislation as privileged protected information, i.e. information deserving enhanced protection; and

- b) national laws and regulations should 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 legislation may include the issuance of orders of non-public disclosure.

— END —