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NIGERIA CIVIL AVIATION REGULATIONS

PART 20— SAFETY MANAGEMENT

INTRODUCTION

Part 20 of the Nigeria Civil Aviation Regulations addresses the Safety Management requirements and meets the standards contained in ICAO *Annex 19*.

ICAO *Annex 19* consolidates material from existing Annexes regarding SSP and safety management systems (SMSs), as well as related elements including the collection and use of safety data and State safety oversight activities.

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NIGERIA CIVIL AVIATION REGULATIONS
PART 20— SAFETY MANAGEMENT



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NIGERIA CIVIL AVIATION REGULATIONS

PART 20— SAFETY MANAGEMENT

20.1. GENERAL

20.1.1.1.—(a) Part 20 of these Regulations shall be applicable in Nigeria to safety management functions related to, or in direct support of, the safe operation of aircraft. Applicability.

20.1.1.2.—(a) For the purpose of Part 20 of these Regulations, the following definitions shall apply : Definitions.

(1) *Accident*.— An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which :

(i) a person is fatally or seriously injured as a result of :

(A) being in the aircraft, or

(B) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

(C) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew ; or

(ii) the aircraft sustains damage or structural failure which :

(A) adversely affects the structural strength, performance or flight characteristics of the aircraft, and

(A) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) ; or C

(iii) the aircraft is missing or is completely inaccessible.

Note 1.— For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.

Note 2.—An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

Note 3.—The type of unmanned aircraft system to be investigated is addressed in 5.1 of Annex 13.

Note 4.—Guidance for the determination of aircraft damage can be found in Attachment F of Annex 13.

(2) *Aeroplane.*—A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

(3) *Aircraft.*—Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

(4) *Helicopter.*—A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes.

Note.—Some States use the term "rotorcraft" as an alternative to "helicopter".

(5) *Incident.*—An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

Note.—The types of incidents which are of interest for safety-related studies include the incidents listed in Annex 13, Attachment C.

(6) *Industry codes of practice.*—Guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organization's Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate.

Note.—Some States accept and reference industry codes of practice in the development of regulations to meet their requirements of Annex 19, and make available, for the industry codes of practice, their sources and how they may be obtained.

(7) *Operational personnel.*—Personnel involved in aviation activities who are in a position to report safety information.

Note.—Such personnel include, but are not limited to : flight crews ; air traffic controllers ; aeronautical station operators ; maintenance technicians ; personnel of aircraft design and manufacturing organizations ; cabin crews ; flight dispatchers, apron personnel and ground handling personnel.

(8) *Safety.*—The state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level.

(9) *Safety management system (SMS)*.—A systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures.

(10) *Safety performance*.—A State or a service provider's safety achievement as defined by its safety performance targets and safety performance indicators.

(11) *Safety performance indicator*.—A data-based parameter used for monitoring and assessing safety performance.

(12) *Safety performance target*.—The planned or intended objective for safety performance indicator(s) over a given period.

(13) *Safety Risk*.—The predicted probability and severity of the consequences or outcomes of a hazard.

(14) *Serious injury*.—An injury which is sustained by a person in an accident and which :

(i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received ; or

(ii) results in a fracture of any bone (except simple fractures of fingers, toes or nose) ; or

(iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage ; or

(iv) involves injury to any internal organ ; or

(v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface ; or

(vi) involves verified exposure to infectious substances or injurious radiation.

(15) *State of Design*.—The State having jurisdiction over the organization responsible for the type design.

(16) *State of Manufacture*.—The State having jurisdiction over the organization responsible for the final assembly of the aircraft.

(17) *State of the Operator*.—The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

(18) *State Safety Programme (SSP)*.—An integrated set of regulations and activities aimed at improving safety.

20.1.1.3.—(a) The following abbreviations are used in Part 20 :

Abbreviations.

(1) ADREP Accident/Incident Data Reporting

(2) AIS Aeronautical Information Services

(3) ATS Air Traffic Services

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- (4) CNS Communications, Navigation and Surveillance
- (5) CVR Cockpit Voice Recorder
- (6) MET Meteorological Services
- (7) PANS Procedures for Air Navigation Services
- (8) SAR Search and Rescue
- (9) SARPs Standards and Recommended Practices
- (10) SDCPS Safety Data Collection and Processing Systems
- (11) SMM Safety Management Manual
- (12) SMP Safety Management Panel
- (13) SMS Safety Management System
- (14) SSP State Safety Programme

20.2.1. STATE SAFETY PROGRAMME

20.2.1.1. The Authority will establish an SSP for the management of safety in Nigeria, in order to achieve an acceptable level of safety performance in civil aviation. The SSP shall include the following components :

- (a) State safety policy and objectives ;
- (b) State safety risk management ;
- (c) State safety assurance ; and
- (d) State safety promotion.

20.2.1.2. The acceptable level of safety performance to be achieved will be established by the Authority.

20.2.1.3. As part of its SSP, the Authority will require that the following service providers under its authority implement an SMS :

- (a) approved training organizations in accordance with Part 3 of these Regulations that are exposed to safety risks related to aircraft operations during the provision of their services ;
- (b) operators of aeroplanes or helicopters authorized to conduct commercial air transport, in accordance with Part 9 of these Regulations;

Note.—When maintenance activities are not conducted by an approved maintenance organization in accordance with Part 6 of these Regulations, but under an equivalent system as in Part 9 of these Regulations, they are included in the scope of the operator's SMS.

- (c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in commercial air transport, in accordance with Part 6 of these Regulations ;

(d) organizations responsible for the type design or manufacture of aircraft, in accordance with Part 5 of these Regulations ;

(e) air traffic services (ATS) providers in accordance with Part 14 of these Regulations.

Note.—The provision of AIS, CNS, MET and/or SAR services, when under the authority of an ATS provider, are included in the scope of the ATS provider's SMS. When the provision of AIS, CNS, MET and/or SAR services are wholly or partially provided by an entity other than an ATS provider, the related services that come under the authority of the ATS provider, or those aspects of the services with direct operational implications, are included in the scope of the ATS provider's SMS ; and

(f) operators of certified aerodromes in accordance with Part 12 of these Regulations.

20.2.1.4. As part of its SSP, the Authority will require that international general aviation operators of large or turbojet aeroplanes in accordance with Part 8 of these Regulations, implement an SMS.

(Note.—International general aviation operators are not considered to be service providers in the context of these Regulations.)

20.2.2. STATE SAFETY OVERSIGHT

20.2.2.1. The Authority will establish and implement a safety oversight system in accordance with IS. 20.2.2.1.

20.3.1. SAFETY MANAGEMENT SYSTEM

20.3.1.1. Except as required in 20.3.2 the SMS of a service provider shall :

(a) be established in accordance with the framework elements contained in IS. 20.3.1.1. ; and

(b) be commensurate with the size of the service provider and the complexity of its aviation products or services.

20.3.1.2. The SMS of an approved training organization, authorised in accordance with Part 3 of these Regulations, that is exposed to safety risks related to aircraft operations during the provision of its services shall be made acceptable to the Authority.

20.3.1.3. The SMS of a certified operator of aeroplanes or helicopters authorized to conduct commercial air transport, in accordance with Part 9 of these Regulations, shall be made acceptable to the Authority, as applicable.

20.3.1.4. The SMS of an approved maintenance organization providing services to operators of aeroplanes or helicopters engaged in commercial air transport, in accordance with Part 6 of these Regulations, shall be made acceptable to the Authority.

20.3.1.5. The SMS of an organization responsible for the type design of aircraft, in accordance with Part 5 of these Regulations, shall be made acceptable to the Authority or the State of Design, as applicable.

20.3.1.6. The SMS of an organization responsible for the manufacture of aircraft, in accordance with Part 5 of these Regulations, shall be made acceptable to the Authority or the State of Manufacture, as applicable.

20.3.1.7. The SMS of an ATS provider, in accordance with Part 14 of these Regulations, shall be made acceptable to the Authority.

20.3.1.8. The SMS of an operator of a certified aerodrome, in accordance with Part 12 of these Regulations, shall be made acceptable to the Authority.

20.3.2. INTERNATIONAL GENERAL AVIATION—AEROPLANES

20.3.2.1. The SMS of an international general aviation operator, conducting operations of large or turbojet aeroplanes in accordance with Part 8 of these Regulations, shall be commensurate with the size and complexity of the operation.

20.3.2.2. The SMS shall as a minimum include :

(a) a process to identify actual and potential safety hazards and assess the associated risks ;

(b) a process to develop and implement remedial action necessary to maintain an acceptable level of safety ; and

(c) provision for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities.

20.4.1. SAFETY DATA COLLECTION—Reporting Systems

20.4.1.1. The Authority shall establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

20.4.1.2. The Authority shall establish a non-punitive voluntary incident reporting system to facilitate collection of information on actual or potential safety deficiencies that may not be captured by the mandatory incident reporting system.

20.4.1.3. Subject to Regulation 20.4.3.1, the authorities responsible for the implementation of the SSP will have access to appropriate information available in the incident reporting systems referenced in 20.4.1.1 and 20.4.1.2 to support their safety responsibilities.

Note 1.—In Nigeria, the authorities responsible for the implementation of the SSP include the Accident investigation Bureau (AIB).

20.4.2. SAFETY DATA ANALYSIS

20.4.2.1. The Authority will establish and maintain a safety database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained, including that from its incident reporting systems, and to determine any actions required for the enhancement of safety.

Note.—The term "safety database" may refer to a single or multiple database(s) and may include the accident and incident database. Provisions on an accident and incident database are included in Annex 13 - Aircraft Accident and Incident Investigation.

20.4.2.2. The Authority will, following the identification of preventive actions required to address actual or potential safety deficiencies, implement these actions and establish a process to monitor implementation and effectiveness of the responses.

20.4.2.3. The database systems shall use standardized formats to facilitate data exchange.

Note.—The use of an ADREP-compatible system is to be encouraged.

20.4.3. SAFETY DATA PROTECTION

20.4.3.1. The voluntary incident reporting system referred to in 20.4.1.2 shall be non-punitive and afford protection to the sources of the information.

Note 1.—IS. 20.4.3.1 contains legal guidance for the protection of information from safety data collection and processing systems.

Note 2.—A non-punitive environment is fundamental to voluntary reporting.

20.4.3.2. The Authority shall not make available or use safety data referenced in 20.4.1 or 20.4.2 for other than safety-related purposes, unless exceptionally, an appropriate authority determines in accordance with the national legislation, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.

20.4.4. SAFETY INFORMATION EXCHANGE

20.4.4.1. If the Authority, in the analysis of the information contained in its database, identifies safety matters considered to be of interest to other States, the Authority will forward such safety information to them as soon as possible.

20.4.4.2. The Authority will promote the establishment of safety information sharing networks among users of the aviation system and will facilitate the free exchange of information on actual and potential safety deficiencies.

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IMPLEMENTING STANDARDS (IS)
SAFETY MANAGEMENT

IS 20.2.2.1. STATE SAFETY OVERSIGHT SYSTEM

Note 1.—Guidance on the critical elements of a system that enables a State to discharge its responsibility for safety oversight is contained in the Safety Oversight Manual, Part A, The Establishment and Management of a State's Safety Oversight System (Doc 9734).

Note 2.—The term "relevant authorities or agencies" is used in a generic sense to include all authorities with aviation safety oversight responsibility which may be established by the State as separate entities, such as: Civil Aviation Authorities, Airport Authorities, ATS Authorities, Accident Investigation Authority, and Meteorological Authority.

Note 3.—Within the context of this appendix the term "service provider" refers to those organizations listed in Part 20.2.1.3.

1. PRIMARY AVIATION LEGISLATION

1.1. NIGERIA shall promulgate a comprehensive and effective aviation law, consistent with the size and complexity of its aviation activity and with the requirements contained in the Convention on International Civil Aviation, that enables it to regulate civil aviation and enforce regulations through the relevant authorities or agencies established for that purpose.

1.2. The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations, facilities, personnel and associated records, as applicable, of service providers.

2. SPECIFIC OPERATING REGULATIONS

2.1. The Authority shall promulgate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

Note.—The term "regulations" is used in a generic sense and includes but is not limited to instructions, rules, edicts, directives, sets of laws, requirements, policies and orders.

3. STATE SYSTEM AND FUNCTIONS

3.1. NIGERIA shall establish relevant authorities or agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources. Each authority or agency shall have stated safety functions and objectives to fulfill its safety management responsibilities.

3.2. The Authority shall take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.

3.3. The Authority shall ensure that personnel performing safety oversight functions are provided with guidance that addresses ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of official duties.

3.4. The Authority shall use a methodology to determine its staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in Nigeria.

4. QUALIFIED TECHNICAL PERSONNEL

4.1. The Authority shall establish minimum qualification requirements for the technical personnel performing safety oversight functions and provide for appropriate initial and recurrent training to maintain and enhance their competence at the desired level.

4.2. The Authority shall implement a system for the maintenance of training records.

5. TECHNICAL GUIDANCE, TOOLS AND PROVISION OF SAFETY-CRITICAL INFORMATION

5.1. The Authority shall provide appropriate facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform their safety oversight functions effectively and in accordance with established procedures in a standardized manner.

5.2. The Authority shall provide technical guidance to the aviation industry on the implementation of relevant regulations.

6. LICENSING, CERTIFICATION, AUTHORIZATION AND/OR APPROVAL OBLIGATIONS

The Authority shall implement documented processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.

7. SURVEILLANCE OBLIGATIONS

The Authority shall implement documented surveillance processes, by defining and planning inspections, audits, and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements. This includes the surveillance of personnel designated by the

Authority to perform safety oversight functions on its behalf.

8. RESOLUTION OF SAFETY ISSUES

8.1. The Authority shall use a documented process to take appropriate corrective actions, up to and including enforcement measures, to resolve identified safety issues.

8.2. The Authority shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by service providers in resolving such issues.

IS. 20.3.1.1. FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)

Note 1.—Guidance on the implementation of the framework for an SMS is contained in the Safety Management Manual(SMM) (Doc 9859).

Note 2.—Within the context of this appendix, the term "service provider" refers to those organizations listed in Part 20.2.1.3.

This Implementing Standard specifies the framework for the implementation and maintenance of an SMS. The framework comprises four components and twelve elements as the minimum requirements for SMS implementation :

- 1. SAFETY POLICY AND OBJECTIVES
 - 1.1. Management commitment and responsibility.
 - 1.2. Safety accountabilities.
 - 1.3. Appointment of key safety personnel.
 - 1.4. Coordination of emergency response planning.
 - 1.5. SMS documentation.
- 2. SAFETY RISK MANAGEMENT
 - 2.1. Hazard identification.
 - 2.2. Safety risk assessment and mitigation.
- 3. SAFETY ASSURANCE
 - 3.1. Safety performance monitoring and measurement.
 - 3.2. The management of change.
 - 3.3. Continuous improvement of the SMS.
- 4. SAFETY PROMOTION
 - 4.1. Training and education.
 - 4.2. Safety communication.

1. SAFETY POLICY AND OBJECTIVES
 1.1. The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall :

Management
 commitment
 and
 responsibility.

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- (a) reflect organizational commitment regarding safety ;
- (b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy ;
- (c) include safety reporting procedures ;
- (d) clearly indicate which types of behaviours are unacceptable related to the service provider's aviation activities and include the circumstances under which disciplinary action would not apply ;
- (e) be signed by the accountable executive of the organization ;
- (f) be communicated, with visible endorsement, throughout the organization ; and
- (g) be periodically reviewed to ensure it remains relevant and appropriate to the service provider.

Safety
Accountabili-
ties.

1.2. The service provider shall :

- (a) identify the accountable executive who, irrespective of other functions, has ultimate responsibility and accountability, on behalf of the organization, for the implementation and maintenance of the SMS ;
- (b) clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management ;
- (c) identify the accountabilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the SMS ;
- (d) document and communicate safety responsibilities, accountabilities and authorities throughout the organization ; and
- (e) define the levels of management with authority to make decisions regarding safety risk tolerability.

Appointment
of key
safety
personnel.

1.3. The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of an effective SMS.

Coordination
of
emergency
response
planning.

1.4. The service provider shall ensure that an emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products and services.

1.5. SMS DOCUMENTATION

1.5.1. The service provider shall develop an SMS implementation plan, formally endorsed by the organization, that defines the organization's approach to the management of safety in a manner that meets the organization's safety

objectives.

1.5.2. The service provider shall develop and maintain SMS documentation that describes its :

- (a) safety policy and objectives ;
- (b) SMS requirements ;
- (c) SMS processes and procedures ;
- (d) accountabilities, responsibilities and authorities for SMS processes and procedures ; and
- (e) SMS outputs.

1.5.3. The service provider shall develop and maintain an SMS manual as part of its SMS documentation.

2. SAFETY RISK MANAGEMENT

2.1. HAZARD IDENTIFICATION

2.1.1. The service provider shall develop and maintain a process that ensures that hazards associated with its aviation products or services are identified.

2.1.2. Hazard identification shall be based on a combination of reactive, proactive and predictive methods of safety data collection.

2.2. Safety risk assessment and mitigation

The service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards.

3. SAFETY ASSURANCE

3.1. Safety performance monitoring and measurement.

3.1.1. The service provider shall develop and maintain the means to verify the safety performance of the organization and to validate the effectiveness of safety risk controls.

3.1.2. The service provider's safety performance shall be verified in reference to the safety performance indicators and safety performance targets of the SMS.

3.2. The service provider shall develop and maintain a process to identify changes which may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

3.3. The service provider shall monitor and assess the effectiveness of its SMS processes to enable continuous improvement of the overall performance

The
management
of change.

Continuous
improvement
of the SMS.

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Safety
Communica-
tion

of the SMS.

4. SAFETY PROMOTION

4.1. TRAINING AND EDUCATION

4.1.1. The service provider shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their SMS duties.

4.1.2. The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.

4.2. The service provider shall develop and maintain a formal means for safety communication that :

(a) ensures personnel are aware of the SMS to a degree commensurate with their positions ;

(b) conveys safety-critical information ;

(c) explains why particular safety actions are taken ; and

(d) explains why safety procedures are introduced or changed.

IS. 20.4.3.1. 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 Session of the ICAO Assembly, 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) 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 ;

(c) 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 Annex 13, Chapter 5 ;

(2) mandatory incident reporting systems, as described in Part 20.4.1.1. of this Regulation ;

(3) voluntary incident reporting systems, as described in Part 20.4.1.2. of this Regulation ; 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.

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, whether the collection of information was for explicit safety purposes and if 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) 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.