



NIGERIA CIVIL AVIATION AUTHORITY REGULATIONS

**PART 20
SAFETY MANAGEMENT**

2023



NIGERIA CIVIL AVIATION REGULATIONS

PART 20 SAFETY MANAGEMENT

APRIL 2023



Record of Amendment

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Made this 17 day of May 2023.

A handwritten signature in red ink, appearing to read "Musa Shuaibu Nuhu".

Captain Musa Shuaibu Nuhu

Director General of Civil Aviation



NIGERIA CIVIL AVIATION REGULATIONS

PART 20 SAFETY MANAGEMENT

APRIL 2023



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, Second Edition July 2016 (Amendment 1).

ICAO Annex 19 consolidates material from existing Annexes regarding State Safety Programme (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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PART 20— SAFETY MANAGEMENT

20.1. GENERAL

20.1.1.1. — Applicability

- (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.

20.1.1.2. — Definitions

- (a) For the purpose of Part 20 of these Regulations, the following definitions shall apply:

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
- (B) 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

- (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.

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.

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.

Hazard. - A condition or an object with the potential to cause or contribute to an aircraft incident or accident.

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.

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.

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 the requirements of Annex 19, and make available, for the industry codes of practice, their sources and how they may be obtained.

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.

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.

Safety data. - A defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety.

Note. — Such safety data is collected from proactive or reactive safety-related activities, including but not limited to:

- a) accident or incident investigations;
- b) safety reporting;
- c) continuing airworthiness reporting;
- d) operational performance monitoring;
- e) inspections, audits, surveys; or
- f) safety studies and reviews.

Safety information. - Safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes.

Safety Management System (SMS). - A systematic approach to managing safety, including the necessary organizational structures, accountability, responsibilities, policies and procedures.

Safety oversight. - A function performed by a State to ensure that individuals and organizations performing an aviation activity comply with safety-related national laws and regulations.

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

Safety performance indicator. - A data-based parameter used for monitoring and assessing safety performance.

Safety performance target. - The State or service provider's planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives.

Safety risk. - The predicted probability and severity of the consequences or outcomes of a hazard.

Serious injury. - An injury which is sustained by a person in an accident and which:



- a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- d) involves injury to any internal organ; or
- e) involves second or third-degree burns, or any burns affecting more than 5 per cent of the body surface; or
- f) involves verified exposure to infectious substances or injurious radiation.

State of Design. - The State having jurisdiction over the organization responsible for the type design.

State of Manufacture. - The State having jurisdiction over the organization responsible for the final assembly of the aircraft.

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.

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

Surveillance. - The State activities through which the State proactively verifies through inspections and audits that aviation licence, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.

20.1.1.3. — Abbreviations

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

- | | |
|------------|-------------------------------------|
| (1) AMO | Approved Maintenance Organisation |
| (2) AOC | Air Operator Certificate |
| (3) ATO | Approved Training Organisation |
| (4) ATS | Air Traffic Services |
| (5) CVR | Cockpit Voice Recorder |
| (6) GASP | Global Aviation Safety Plan |
| (7) NASP | National Aviation Safety Plan |
| (8) RASP | Regional Aviation Safety Plan |
| (9) RPAS | Remotely Piloted Aircraft Systems |
| (10) SARPs | Standards and Recommended Practices |
| (11) SMM | Safety Management Manual |
| (12) SMS | Safety Management System |
| (13) SSP | State Safety Programme |



20.2. STATE SAFETY MANAGEMENT RESPONSIBILITIES:

20.2.1. STATE SAFETY PROGRAMME (SSP)

20.2.1.1. Establishment and Maintenance of SSP:

- (a) The Authority will in consultation with relevant stakeholders establish and maintain an SSP for management of civil aviation safety that is commensurate with the size and complexity of the Nigeria's civil aviation system.
- (b) The SSP shall include at least the elements related to State safety management responsibilities described in the ICAO Standards and Recommended Practices Annex 19.
- (c) The SSP shall include or be accompanied by a National Aviation Safety Plan (NASP). Based on the assessment of relevant safety information, the Authority, in consultation with relevant stakeholders, shall identify in that plan the main safety risks affecting its national civil aviation safety system and shall set out the necessary actions to mitigate those risk.
- (d) The NASP shall include the risks and actions identified in the Global Aviation Safety Plan (GASP) and/or Regional Aviation Safety Plan (RASP) that are relevant for Nigeria.

20.3: SAFETY MANAGEMENT SYSTEM (SMS)

20.3.1.1 General:

- (a) The following service providers shall implement an SMS:
 - (1) ATOs, approved in accordance with [Part 3](#) of these regulations, that are exposed to safety risks related to aircraft operations during the provision of their services;
 - (2) AOC holders, approved in accordance with [Part 9](#) of these regulations;
 - (3) AMOs, approved in accordance with [Part 6](#) of these regulations, providing services to operators of aircraft engaged in commercial air transport;
 - (4) Organisations responsible for the type design or manufacture of aircraft, engines, or propellers in accordance with [Part 5](#) of these regulations;
 - (5) ATS providers in accordance with [Part 14](#) of these regulations; and
 - (6) Operators of aerodromes in accordance with [Part 12](#) of these regulations.
- (b) The service providers listed in paragraph 20.3.1.1 (a) of this subsection shall implement an SMS acceptable to the Authority that as a minimum shall:



- (1) Address the SMS Framework, containing the components and elements prescribed in sub-section 20.3.1.3 of this Part and elaborated in its corresponding [IS 20.3.1.3](#); and
 - (2) Be commensurate with the size of the service provider and the complexity of its aviation products or services.
- (c) The SMS shall clearly define lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management.

Note 1. — An organization may elect to extend one SMS across multiple service provider activities.

Note.2. — 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.

20.3.1.2 General aviation – aeroplanes and RPAS Operator:

- (a) General aviation operators shall implement an SMS acceptable to the Authority and commensurate with the size and complexity of their operation, when conducting operations with:
 - (1) An aeroplane with a maximum certificated take-off mass exceeding 5700kg;
 - (2) An aeroplane equipped with one or more turbojet engines; or
 - (3) An aeroplane with a seating configuration of more than nine passenger seats.
- (b) RPAS Operators shall implement an SMS acceptable to the Authority, commensurate with the size and company of their operations and in accordance with [Part 21](#) of these Regulations.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of sub-section 20.3.1.2 above, the SMS shall as a minimum include;
 - (1) The establishment of safety accountabilities;
 - (2) A process to identify actual and potential safety hazards and assess associated risks;
 - (3) A process to develop and implement remedial action necessary to maintain an acceptable level of safety performance; and
 - (4) provision for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities.



20.3.1.3 Framework for a Safety Management System (SMS):

The entities referred to in sub-sections 20.3.1.1 of this Part shall implement SMS that as a minimum must address the requirements detailed in this framework, which comprises of the four components and the twelve elements. The details of the requirements for the SMS framework is provided in [IS 20.3.1.3](#) address:

1. Safety policy and objectives
 - 1.1 Management commitment
 - 1.2 Safety accountability and responsibilities
 - 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

20.4: COLLECTION AND PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES

20.4.1.1. Safety data and safety information collection:

- (a) The Authority will establish a voluntary safety reporting system to collect



safety data and safety information not captured by mandatory safety reporting systems.

20.4.1.2. Safety data and safety information protection:

- (a) The Authority will ensure protection of safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources in accordance with [IS. 20.4.1.2](#)
- (b) Subject to subsection 20.4.1.2(a), the Authority will not make available or use safety data or safety information collected, stored or analysed for purposes other than maintaining or improving safety, unless the Authority determines, in accordance with [IS: 20.4.1.2](#), that a principle of exception applies.
- (c) Notwithstanding subsection 20.4.1.2(b), the Authority shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.



NIGERIA CIVIL AVIATION REGULATIONS

PART 20 — IMPLEMENTING STANDARDS

MARCH 2023



PART 20 IMPLEMENTING STANDARDS (IS)

IS 20.3.1.3:- This IS provides the detailed requirements for the components and elements of the SMS implementation framework:

1. Safety policy and objectives
 - 1.1 Management commitment
 - 1.1.1 The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall:
 - a) reflect organizational commitment regarding safety, including the promotion of a positive safety culture;
 - b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
 - c) include safety reporting procedures that define requirements for employee reporting of safety hazards and issues;
 - 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 documented and communicated with visible endorsement, throughout the service provider's organization; and
 - g) be periodically reviewed by the accountable executive to ensure it remains relevant and appropriate to the service provider.
 - 1.1.2 Taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall:
 - a) form the basis for safety performance monitoring and measurement as required by section 3.1 of this IS;
 - b) reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the SMS;
 - c) be communicated throughout the organization; and
 - d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.



1.2 Safety accountability and responsibilities

1.2.1 The service provider shall

- a) define lines of accountability throughout the organization, including a direct accountability for safety on the part of senior management for the following individuals:
 - 1) Accountable executive, as described in section 1.3.1 of this IS.
 - 2) All members of management, irrespective of other functions in regard to developing, implementing, and maintaining SMS processes within their area of responsibility, including, but not limited to:
 - i) Hazard identification and safety risk assessment;
 - ii) Assuring the effectiveness of safety risk controls;
 - iii) Promoting safety as required in subpart E of this part; and
 - iv) Advising the accountable executive on the performance of the SMS and on any need for improvement.
 - 3) Employees with respect to the safety performance of the organization.
- b) document and communicate safety accountability, responsibilities and authorities throughout the organization; and
- c) identify the levels of management with the authority to make decisions regarding safety risk tolerability.

1.3 Designation and responsibilities of required safety management personnel:

1.3.1 Designation of the accountable executive:

- a) The service provider shall identify the accountable executive who, irrespective of other functions is accountable on behalf of the organization for the implementation and maintenance of an effective SMS and shall satisfy the following:
 - 1) Has the final authority over operations authorized to be conducted under the service provider's certificate(s);
 - 2) Controls the financial resources required for the operations to be conducted under the service provider's certificate(s);
 - 3) Controls the human resources required for the operations authorized to be conducted under the service provider's certificate(s); and
 - 4) Retains ultimate responsibility for the safety performance of the operations conducted under the service provider's certificate.



1.3.2 Responsibilities of the Accountable Executive:

- a) The accountable executive must accomplish the following:
 - 1) Ensure that the SMS is properly implemented and performing in all areas of the organization;
 - 2) Develop and sign the safety policy of the organization;
 - 3) Communicate the safety policy throughout the organization;
 - 4) Regularly review the certificate holder's safety policy to ensure it remains relevant and appropriate to the service provider; and
 - 5) Regularly review the safety performance of the organization and direct actions necessary to address substandard safety performance.

1.3.3 Appointment of key safety personnel

- a) The service provider shall appoint a safety manager who is responsible for the following:
 - 1) Coordinate implementation, maintenance, and integration of the SMS throughout the service provider's organization;
 - 2) Facilitate hazard identification and safety risk analysis;
 - 3) Monitor the effectiveness of safety risk controls;
 - 4) Ensure safety promotion throughout the certificate holder's organization as required in subpart E of this part; and
 - 5) Regularly report to the accountable executive on the performance of the SMS and on any need for improvement.

Note. — Depending on the size of the service provider and the complexity of its aviation products or services, the responsibilities for the implementation and maintenance of the SMS may be assigned to one or more persons, fulfilling the role of safety manager, as their sole function or combined with other duties, provided these do not result in any conflicts of interest.

1.4 Coordination of emergency response planning

- a) The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall develop and the accountable executive approve an emergency response plan that addresses the following:
 - 1) The service provider's 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;
 - 2) Delegation of emergency authority throughout the service provider's organization; and



3) Assignment of employee responsibilities during the emergency.

1.5 SMS documentation

1.5.1 The service provider shall develop and maintain an SMS manual that describes its:

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

1.5.2 The service provider shall develop and maintain SMS operational records as part of its SMS documentation.

Note.— Depending on the size of the service provider and the complexity of its aviation products or services, the SMS manual (SMSM) and SMS operational records may be in the form of stand-alone documents or may be integrated with other organizational documents (or documentation) maintained by the service provider.

2. Safety risk management

2.1 A service provider shall apply safety risk management to the following:

- a) Implementation of new systems;
- b) Revision of existing systems;
- c) Development of operational procedures; and
- d) Identification of hazards or ineffective risk controls through the safety assurance processes of this Part.

2.2 Hazard identification

2.2.1 The service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.

2.2.2 Hazard identification shall be based on a combination of reactive and proactive methods.



2.3 Safety risk assessment and mitigation

- a) The service provider shall develop and maintain a process that ensures analysis of the safety risks associated with hazards identified in section 2.2 of this Part;
- b) The service provider shall define a process for conducting risk assessment that allows for the determination of acceptable safety risks;
- c) The service provider shall develop and maintain processes to develop safety risk controls that are necessary as a result of the safety risk assessment process under paragraph (b) of this section; and
- d) The service provider shall evaluate whether the risk will be acceptable with the proposed safety risk control applied, before the safety risk control is implemented.

Note. — The process may include predictive methods of safety data analysis.

3. Safety assurance

3.1 Safety performance monitoring and measurement

- a) The service provider shall develop and maintain the systems and processes to acquire data with respect to its operations, products and services to monitor and verify the safety performance of the organization and to validate the effectiveness of safety risk controls. These processes and systems must include, at a minimum the following:
 - 1) Monitoring of operational processes;
 - 2) Monitoring of the operational environment to detect changes;
 - 3) Auditing of operational processes and systems;
 - 4) Evaluations of the SMS and operational processes and systems;
 - 5) Investigations of incidents and accidents;
 - 6) Investigations of reports regarding potential non-compliance with regulatory standards or other safety risk controls established by the service provider through the safety risk management process established in section 2 of this IS; and
 - 7) A confidential employee reporting system in which employees can report hazards, issues, concerns, occurrences, incidents, as well as propose solutions and safety improvements.
- b) The service provider shall develop and maintain processes that analyze the data acquired through the processes and systems identified under paragraph (a) of this section and any other relevant data with respect to its operations, products, and services.



Note. — *An internal audit process is one means to monitor compliance with safety regulations, the foundation upon which SMS is built, and assess the effectiveness of these safety risk controls and the SMS.*

- c) The service provider's safety performance shall be verified in reference to the safety performance indicators and safety performance targets of the SMS in support of the organization's safety objectives. These performance assessments shall include reviews by the accountable executive to:
- 1) ensure compliance with the safety risk controls established by the service provider;
 - 2) evaluate the performance of the SMS;
 - 3) evaluate the effectiveness of the safety risk controls established under section 2.3 (c) of this IS and identify any ineffective controls;
 - 4) identify changes in the operational environment that may introduce new hazards; and
 - 5) identify new hazards.

3.2 The management of change

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. Continuous improvement of the SMS

The service provider shall monitor and assess its SMS processes to maintain or continuously improve the overall effectiveness of the SMS. These processes are to correct safety performance deficiencies identified in the assessments conducted under section 3.1 of this IS.

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 Safety communication

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 actions are taken to improve safety; and
- d) explains why safety procedures are introduced or changed.

Note 1. — The service provider's interfaces with other organizations can make a significant contribution to the safety of its products or services

Note 2. — In the context of these ISs as it relates to service providers, an "accountability" refers to an "obligation" that may not be delegated, and "responsibilities" refers to functions and activities that may be delegated.

IS 20.4.1.2 (a): Principles for the protection of safety data, safety information and related sources:

- 1. General principles:
 - 1.1 The Authority will, through the national laws, regulations and policies protecting safety data, safety information and related sources, ensure that:
 - a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;
 - b) safety data, safety information and related sources are protected in accordance with this IS;
 - c) the conditions under which safety data, safety information and related sources qualify for protection are specified; and
 - d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.

Note 1. — The protection of safety data, safety information and related sources is essential to ensure their continued availability, since 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.

Note 2. — The objective is to ensure the continued availability of safety data and safety information by restricting their use for purposes other than maintaining or improving aviation safety.

Note 3. — The protection of safety data, safety information and related sources is not intended to interfere with the proper administration of justice or with maintaining or improving safety.



- 1.2 When an investigation under Annex 13 has been instituted, accident and incident investigation records listed in 5.12 of Annex 13 shall be subject to the protections accorded therein instead of the protections accorded by these Regulations.
2. Principles of protection
- 2.1 The Authority will ensure that safety data or safety information is not used for:
- a) disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organizations;
 - b) disclosure to the public; or
 - c) any purposes other than maintaining or improving safety; unless a principle of exception applies.
- 2.2 The Authority will accord protection to safety data, safety information and related sources by ensuring that:
- a) the protection is specified based on the nature of safety data and safety information;
 - b) a formal procedure to provide protection to safety data, safety information and related sources is established;
 - c) safety data and safety information will not be used in a way different from the purposes for which they were collected, unless a principle of exception applies; and
 - d) to the extent that a principle of exception applies, the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings will be carried out only under authoritative safeguards.
- Note 1. — The formal procedure may include that any person seeking disclosure of safety data or safety information will provide the justification for its release.*
- Note 2. — Authoritative safeguards include legal limitations or restrictions such as protective orders, closed proceedings, in-camera review, and de-identification of data for the use or disclosure of safety information in judicial or administrative proceedings.*
3. Principles of exception
- Exceptions to the protection of safety data, safety information and related sources shall only be granted when the Authority:
- a) determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with the Civil Aviation Act, to be conduct constituting gross negligence, wilful misconduct or criminal activity;



- b) after reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information; or
- c) after reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.

Note 1. — In administering the decision, the Authority takes into account the consent of the source of the safety data and safety information.

Note 2. — Different competent authorities may be designated for different circumstances. The competent authority could include, but is not limited to, judicial authorities or those otherwise entrusted with aviation responsibilities designated in accordance with national law.

4. Public disclosure

- 4.1 The Authority will create exceptions from public disclosure to ensure the continued confidentiality of voluntarily supplied safety data and safety information.
- 4.2 Where disclosure is made in accordance with section 3, the Authority will ensure that:
 - a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; or
 - b) public disclosure of the safety data or safety information is made in a de-identified, summarized or aggregate form.

5. Responsibility of the custodian of safety data and safety information

The Authority will ensure that each SDCPS has a designated custodian to apply the protection to safety data and safety information in accordance with applicable provisions of this IS.

Note. — The “custodian” may refer to an individual or organization.

6. Protection of recorded data

- 6.1 The Authority will, through national laws and regulations, provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.



- 6.2 The Authority will, through national laws and regulations, treat ambient workplace recordings required by national laws and regulations as privileged protected data subject to the principles of protection and exception as provided for in this IS.

Note 1.— Ambient workplace recordings required by national laws, for example, cockpit voice recorders (CVRs) or recordings of background communication and the aural environment at air traffic controller work stations, may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to.

Note 2. — Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under Annex 13 are contained therein.