

17th February, 2020

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. II, Volume CXIII, dated 14th, 2020
Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S

2020 No. 17.

**THE CIVIL AVIATION (SAFETY MANAGEMENT)
REGULATIONS, 2020**

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Application

PART II—SAFETY MANAGEMENT RESPONSIBILITIES

4. State Safety Programme
5. Enforcement policy
6. State System and Functions
7. Qualified technical personnel
8. Technical Guidance, Tools and Provision of Safety-Critical Information
9. State safety risk management-licensing, certification, authorization and approval obligations
10. Safety Management System Obligations
11. Hazard Identification and Safety Risk Assessment
12. Management of safety risks
13. Surveillance obligations
14. State Safety Performance

15. Internal Communication and dissemination of Safety Information
16. External Communication and Dissemination of Safety Information

PART III—SAFETY MANAGEMENT SYSTEM

17. Safety Management System by service providers
18. International General Aviation — Aeroplanes

PART IV—SAFETY DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE

19. Safety data collection and processing systems
20. Safety data and safety information analysis
21. Safety data and safety information protection
22. Safety information sharing and exchange

PART V—GENERAL PROVISIONS

23. Quality Policy with Safety Management System
24. Administrative sanction.

PART VI—TRANSITION, SAVINGS AND REVOCATION

25. Savings and transition
26. Revocation

SCHEDULES

**SCHEDULE 1 — STATE SAFETY OVERSIGHT (SSO) SYSTEM
CRITICAL ELEMENTS**

**SCHEDULE 2 — FRAMEWORK FOR A SAFETY MANAGEMENT
SYSTEM (SMS)**

**SCHEDULE 3 — PRINCIPLES FOR THE PROTECTION OF SAFETY
DATA, SAFETY INFORMATION AND RELATED
SOURCES**

STATUTORY INSTRUMENTS

2020 No. 17.

The Civil Aviation (Safety Management) Regulations, 2020

(*Made under sections 34(2) and 61 of the Civil Aviation Authority Act,
Cap 354*)

IN EXERCISE of the powers conferred upon the Minister by sections 34(2) and 61 of the Civil Aviation Authority Act, Cap 354, and on the recommendation of the Civil Aviation Authority, these Regulations are made this 17th day of October, 2019.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Civil Aviation (Safety Management) Regulations, 2020.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accident” means 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—

- (a) a person is fatally or seriously injured as a result of—
 - (i) being in the aircraft, or

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

(iii) 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

(b) the aircraft sustains damage or structural failure which—

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

(ii) 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) the aircraft is missing or is completely inaccessible;

“Acceptable Level of Safety Performance (ALoSP)” means the minimum level of safety performance of civil aviation in Uganda, as defined in its State Safety Programme, or of a service provider, as defined in its safety management system, expressed in terms of safety performance targets and safety performance indicators;

“aeroplane” means 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” means 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;

“Authority” means the Uganda Civil Aviation Authority established by section 3 of the Civil Aviation Authority Act, CAP 354;

“hazard” means a condition or an object with the potential to cause or contribute to an aircraft accident or incident;

“helicopter” means 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” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

“large aeroplane” means an aeroplane with a maximum take-off weight of more than 5 700 kg;

“mitigation” means measures to address the potential hazard or to reduce the risk probability or severity;

“operational personnel” means personnel such as 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, involved in aviation activities who are in a position to report safety information;

“predictive” means capturing the system performance as it happens in real time normal operations so as to identify potential future problems;

- “proactive” means actively identifying safety risks through the analysis of the organization’s activities;
- “reactive” means responding to events that have already happened such as incidents and accidents;
- “safety” means a 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” means defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety;
- “safety information” means safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes;
- “Safety Management System (SMS)” means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, responsibilities, policies and procedures;
- “safety oversight” means 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” means a State or a service provider’s safety achievement as defined by its safety performance targets and safety performance indicators;
- “safety performance indicator” means a data-based parameter used for monitoring and assessing safety performance;
- “safety performance target” means 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” means the predicted probability and severity of the consequences or outcomes of a hazard;

“State Safety Programme (SSP)” means an integrated set of regulations and activities aimed at improving safety;

“surveillance” means 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.

3. Application

(1) These Regulations shall apply to safety management functions related to or in direct support of, the safe operation of aircraft.

(2) Except where otherwise specified, these Regulations shall not apply to occupational safety, environmental protection and customer service or product quality.

PART II—SAFETY MANAGEMENT RESPONSIBILITIES

4. State Safety Programme (SSP)

(1) The Authority shall establish and maintain a state safety programme that is commensurate with the size and complexity of the civil aviation system in Uganda.

(2) The State Safety Programme under subregulation (1) shall be established on the state safety oversight system which shall be implemented in accordance with the critical elements set out in Schedule 1.

5. Enforcement policy

The Authority shall establish an enforcement policy that specifies the conditions and circumstances under which service providers with a safety management system are allowed to deal with, and resolve, events involving certain safety issues, internally, within the context of their safety management system and to the satisfaction of the Authority.

6. State System and functions

(1) The Authority shall establish a safety policy and safety objectives that reflect commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.

(2) The safety policy and safety objectives shall be published and reviewed periodically to ensure that they remain relevant and appropriate for Uganda.

7. Qualified technical personnel

The Authority shall establish requirements for the qualification of technical personnel performing safety-related functions for or on behalf of the State, in accordance with paragraph 4 of Schedule 1 to these Regulations.

8. Technical guidance, tools and provision of safety-critical information

The Authority shall establish technical guidance tools and shall provide safety-critical information in accordance with paragraph 5 of Schedule 1 to these Regulations.

9. State safety risk management-licensing, certification, authorization and approval obligations

The Authority shall implement licensing, certification, authorization and approval obligations in accordance with paragraph 6 of Schedule 1 to these Regulations.

10. Safety Management System (SMS) obligations

(1) The following service providers shall implement a Safety Management System—

(a) approved training organizations certified in accordance with the Civil Aviation (Approved Training Organizations) Regulations, 2020 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 international commercial air transport in accordance

with the Civil Aviation (Air Operator Certification and Administration) Regulations, 2020;

- (c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations, 2020;
- (d) organizations responsible for the type design or manufacture of aircraft, engines or propellers in accordance with the Civil Aviation (Airworthiness) Regulations, 2020;
- (e) air traffic services providers certificated in accordance with the Civil Aviation (Certification of Air Navigation Services) Regulations, 2020; and
- (f) operators of certified aerodromes in accordance with the Civil Aviation (Aerodromes) Regulations, 2019.

(2) When maintenance activities are not conducted by an approved maintenance organization, but under an equivalent system, they shall be included in the scope of the operator's Safety Management System in accordance with the Civil Aviation (Operation of Aircraft) Regulations, 2020.

(3) Service providers and operators shall establish safety performance indicators and targets that are acceptable to the Authority.

(4) The international general aviation operator of large or turbojet aeroplanes registered in Uganda shall implement a safety management system based on a criteria established by the Authority.

(5) The criteria established by the Authority in accordance with subregulation (4) shall address the Safety Management System framework and elements contained in Schedule 2 to these Regulations.

(6) The service provider shall be responsible for the safety of services or products contracted or subcontracted to, or purchased from, other organizations.

11. Hazard identification and safety risk assessment

The Authority shall—

- (a) establish and maintain a process to identify hazards from collected safety data; and
- (b) develop and maintain a process that ensures the assessment of safety risks associated with identified hazards.

12. Management of safety risks

The Authority shall—

- (a) establish mechanisms for the resolution of safety issues in accordance with paragraph 8 of Schedule 1 to these Regulations; and
- (b) develop and maintain a process to manage safety risks.

13. Surveillance obligations

(1) The Authority shall meet the surveillance obligations in accordance with paragraph 7 of Schedule 1 to these Regulations.

(2) The surveillance of the service provider shall take into consideration the safety performance as well as the size and complexity of its aviation products or services.

(3) The Authority shall establish procedures to prioritize inspections, audits and surveys towards areas of greater safety concern or need.

(4) The Authority shall review the safety performance of an individual service provider annually.

14. State safety performance

(1) The Authority shall establish an Acceptable Level of Safety Performance to be achieved through the state safety programme.

(2) The Authority shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.

(3) The Authority shall evaluate the effectiveness of its state safety programme to maintain or continuously improve its overall level of safety performance.

15. Internal communication and dissemination of safety information

The Authority shall promote—

(i) safety awareness; and

(ii) the sharing and exchange of safety information;

to support the development of a positive safety culture to foster an effective state safety programme within the State aviation organizations.

16. External communication and dissemination of safety information

The Authority shall promote safety awareness and the sharing and exchange of safety information with the aviation community to foster the maintenance and improvement of safety and to support the development of a positive safety culture.

PART III—SAFETY MANAGEMENT SYSTEM

17. Safety Management System by service providers

(1) The Safety Management System of a service provider shall be—

(a) acceptable to the Authority;

(b) established in accordance with the framework elements contained in Schedule 2 to these Regulations; and

(c) commensurate with the size and complexity of the service provider's aviation products or services.

(2) The service provider shall develop a plan to facilitate the Safety Management System implementation.

18. International General Aviation — Aeroplanes

(1) An international general aviation operator of large aeroplane or turbojet aeroplane, shall establish and implement a Safety Management System that is acceptable to the Authority.

(2) The Safety Management System of an international general aviation operator, conducting operations of large or turbojet aeroplanes, in accordance with the Civil Aviation (Operation of Aircraft) Regulations, 2020, shall—

- (a) be established commensurate with the size and complexity of the operation and meet the criteria established by the State of Registry; and
- (b) address the Safety Management System framework and elements contained in Schedule 2.

PART IV—SAFETY DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE

19. Safety Data Collection and Processing Systems

(1) The Authority shall establish Safety Data Collection and Processing Systems to capture, store, aggregate and enable the analysis of safety data and safety information.

(2) The Authority shall establish a mandatory safety reporting system that includes the reporting of incidents.

(3) The Authority shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.

(4) The Authority and the Aircraft Accident and Incidents Investigation Unit shall have access to the Safety Data Collection and Processing Systems as specified in subregulation (1) to support their safety responsibilities, in accordance with the principles in the Schedule 3 to these Regulations.

(5) The safety database shall use standardised taxonomy to facilitate safety information sharing and exchange.

20. Safety Data and Safety Information Analysis

The Authority shall establish and maintain a process to analyze the safety data and safety information from the Safety Data Collection and Processing Systems and associated safety databases.

21. Safety data and safety information protection

(1) The Authority shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources, such as individuals and organizations, in accordance with Schedule 3 to these Regulations.

(2) The Authority shall extend the protection referred to in (1) to safety data captured by, and safety information derived from, mandatory safety reporting system and related sources.

(3) Subject to subregulations (1) and (2), the Authority shall not make available or use safety data or safety information collected, stored or analyzed in accordance with regulations 20 or 21 for purposes other than maintaining or improving safety, unless the competent authority determines, in accordance with Schedule 3 to these Regulations that a principle of exception applies.

(4) Notwithstanding subregulation (3), 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.

(5) The Authority shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in regulation 20.

22. Safety information sharing and exchange

(1) Where the Authority, in the analysis of the information contained in its Safety Data Collection and Processing Systems,

identifies safety matters considered to be of interest to other States, the Authority shall forward such safety information to them as soon as possible.

(2) The States shall agree on the level of protection and conditions on which safety information shall be shared and exchanged prior to sharing the information in subregulation (1).

(3) The level of protection and conditions shall be in line with Schedule 3 to these Regulations.

(4) The Authority shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and shall facilitate the sharing and exchange of safety information, unless national law provides otherwise.

PART V—GENERAL PROVISIONS

23. Quality Policy with Safety Management System

A service provider shall have in place a quality policy that is consistent with, and supports the fulfilment of the activities of the Safety Management System.

24. Administrative sanctions.

A person who fails to comply with the provisions of these Regulations, is liable to administrative measure as may be prescribed under the Compliance and Enforcement Manual.

PART VI—TRANSITION, SAVINGS AND REVOCATION

25. Savings and transition

All valid licences, certificates, permits or authorisations issued or granted by the Authority before the commencement of these Regulations shall remain operational until their expiry or are revoked, annulled or replaced.

26. Revocation

The Civil Aviation (Safety Management) Regulations, 2014 are revoked.

SCHEDULES

SCHEDULE 1

Regulations 4(2), 7, 9, 12, 13(1)

STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)

1. Primary aviation legislation (CE-1)

(1) States shall promulgate a comprehensive and effective aviation law, commensurate with the size and complexity of their aviation activity and consistent with the requirements contained in the Convention on International Civil Aviation, to enable the oversight and management of civil aviation safety and the enforcement of regulations through the relevant authorities or agencies established for that purpose.

Note.— This includes ensuring that the aviation law remains relevant and appropriate to the State.

(2) The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations, facilities, personnel and associated records, as applicable, of individuals and organizations performing an aviation activity.

2. Specific operating regulations (CE-2)

States 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.

3. State system and functions (CE-3)

(1) States shall establish relevant authorities or agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.

(2) States authorities or agencies shall have stated safety functions and objectives to fulfil their safety management responsibility. This includes the

participation of the State aviation organizations in specific activities related to the management of safety in the State, and the establishment of the roles, responsibilities and relationships of such organizations.

- 3.3 The Authority should take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.
 - 3.4 States 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.
 - 3.5 The Authority shall use a methodology to determine their staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in their State.
4. Qualified technical personnel (CE-4)
 - (1) States shall establish minimum qualification requirements for the technical personnel performing safety-related functions and provide for appropriate initial and recurrent training to maintain and enhance the competence at the desired level.
 - (2) States shall implement a system for the maintenance of training records for technical personnel.
 5. Technical guidance, tools and provision of safety-critical information (CE-5)
 - (1) States 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 the safety oversight functions effectively and in accordance with established procedures in a standardized manner.
 - (2) States shall provide technical guidance to the aviation industry on the implementation of relevant regulations.

6. Licensing, certification, authorization and approval obligations (CE-6)
States shall implement documented processes and procedures to ensure that individuals and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

States 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 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 (CE-8)

(1) States shall use a documented process to take appropriate actions, up to and including enforcement measures, to resolve identified safety issues.

(2) States shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by individuals and organizations performing an aviation activity in resolving such issues.

SCHEDULE 2

Regulations 10(5), 17(1) and 18(2)(b)

FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM

This Schedule specifies the framework for the implementation and maintenance of a Safety Management System. The framework comprises of four components and twelve elements as the minimum requirements for Safety Management System implementation—

1. Safety policy and objectives—

- (a) Management commitment;
- (b) Safety accountability and responsibilities;
- (c) Appointment of key safety personnel;
- (d) Coordination of emergency response planning; and
- (e) Safety Management System documentation

2. Safety risk management—

- (a) Hazard identification;
- (b) Safety risk assessment and mitigation.

3. Safety assurance—

- (a) Safety performance monitoring and measurement;
- (b) The management of change;
- (c) Continuous improvement of the Safety Management System.

4. Safety promotion—

- (a) Training and education;
- (b) Safety communication.

5. Safety policy and objectives

(1) Management commitment—

- (a) the service provider shall define its safety policy in accordance with international and national requirements, the safety policy shall—

- (i) reflect organizational commitment regarding safety, including the promotion of a positive safety culture;
 - (ii) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
 - (iii) include safety reporting procedures;
 - (iv) 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;
 - (v) be signed by the accountable executive of the organization;
 - (vi) be communicated, with visible endorsement, throughout the organization; and
 - (vii) be periodically reviewed to ensure it remains relevant and appropriate to the service provider.
- (b) taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall—
- (i) form the basis for safety performance monitoring and measurement as required by paragraph 3(1)(b);
 - (ii) reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the Safety Management System;
 - (iii) be communicated throughout the organization; and
 - (iv) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.
- (2) **Safety accountability and responsibilities**
The service provider shall—

- (i) 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;
 - (ii) clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management;
 - (iii) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organization;
 - (iv) document and communicate safety accountability, responsibilities and authorities throughout the organization; and
 - (v) define the levels of management with authority to make decisions regarding safety risk tolerability.
- (3) Appointment of key safety personnel
The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS. 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.
- (4) Coordination of emergency response planning
The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the 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.

- (5) Safety Management System documentation
- (a) The service provider shall develop and maintain a Safety Management System manual that describes its—
- (i) safety policy and objectives;
 - (ii) Safety Management System requirements;
 - (iii) Safety Management System processes and procedures; and
 - (iv) accountability, responsibilities and authorities for Safety Management System processes and procedures.
- (b) The service provider shall develop and maintain Safety Management System operational records as part of its Safety Management System documentation. Depending on the size of the service provider and the complexity of its aviation products or services, the Safety Management System manual and Safety Management System 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

(1) Hazard identification—

- (a) The service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.
- (b) Hazard identification shall be based on a combination of reactive and proactive methods.

(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. The process may include predictive methods of safety data analysis.

3. Safety assurance

(1) Safety performance monitoring and measurement

- (a) 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.
- (b) The service provider's safety performance shall be verified in reference to the safety performance indicators and safety performance targets of the Safety Management System in support of the organization's safety objectives.

(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) Continuous improvement of the Safety Management System

The service provider shall monitor and assess its Safety Management System processes to maintain or continuously improve the overall effectiveness of the Safety Management System.

4. Safety promotion

(1) Training and education

- (a) The service provider shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their Safety Management System duties.
- (b) The scope of the safety training programme shall be appropriate to each individual's involvement in the Safety Management System.

(2) Safety communication

The service provider shall develop and maintain a formal means for safety communication that—

- (a) ensures personnel are aware of the Safety Management System 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.

SCHEDULE 3

Regulations 19(4), 21(1), 21(3), 22(3)

PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES

1. General principles

- (1) States shall, through 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 schedule;
 - (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.

(2) When an investigation under the Civil Aviation (Accident and Incident) Regulations, 2020 has been instituted, accident and incident investigation records listed under the protection of accident and incident investigation records in the Regulations shall be subject to the protections accorded therein instead of the protections accorded by these regulations.

2. Principles of protection

- (1) States shall 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) States shall 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.

3. Principles of exception

Exceptions to the protection of safety data, safety information and related sources shall only be granted when the competent 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 national laws, to be conduct constituting gross negligence, willful misconduct or criminal activity;
- (a) 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
- (b) 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.

4. Public disclosure

(1) States that have right-to-know laws shall, in the context of requests made for public disclosure, create exceptions from public disclosure to ensure the continued confidentiality of voluntarily supplied safety data and safety information.

(2) Where disclosure is made in accordance with paragraph 2(1), States shall 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

States shall 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 Schedule. The custodian may refer to an individual or organization.

6. Protection of recorded data

(1) States shall, through national laws and regulations, provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.

(2) States shall, 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 Schedule.

Cross References

1. The Civil Aviation (Aerodromes) Regulations, 2019;
2. The Civil Aviation (Air Operator Certification and Administration) Regulations, 2020;
3. The Civil Aviation (Airworthiness) Regulations, 2020;
4. The Civil Aviation (Approved Training Organizations) Regulations, 2020;
5. The Civil Aviation (Certification of Air Navigation Services) Regulations, 2020;
6. The Civil Aviation (Operation of Aircraft) Regulations, 2020.

ENG. MONICA AZUBA NTEGE
Minister of Works and Transport

