



International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
de Aviación Civil
Internacional

Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

Tel.: +1 (514) 954-8160

Ref.: AN 6/1.2-06/27

24 March 2006

Subject: Adoption of Amendment 11 to Annex 13

Action Required: a) Notify any disapproval before 17 July 2006; b) Notify any differences and compliance before 23 October 2006

Sir/Madam,

1. I have the honour to inform you that Amendment 11 to the *International Standards and Recommended Practices, Aircraft Accident and Incident Investigation* (Annex 13 to the Convention on International Civil Aviation) was adopted by the Council at the seventh meeting of its 177th Session on 3 March 2006. Copies of the Amendment and the Resolution of Adoption are being sent to you under separate cover.

2. When adopting the amendment, the Council prescribed 17 July 2006 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 11, to the extent it becomes effective, will be applicable on 23 November 2006.

3. Amendment 11 stems from three sources: a) the need for participation in an accident/incident investigation by States of an operator's code-share and alliance partners, which originates from the *Report of the Accident Investigation and Prevention (AIG) Divisional Meeting (1999)* (Doc 9753); b) a safety recommendation made to ICAO subsequent to the mid-air collision near Überlingen, Germany, on 1 July 2002; and c) Assembly Resolution A35-17, which calls for the development of legal guidance for the protection of information from safety data collection and processing systems. The subjects are given in the amendment to the Foreword of Annex 13, Ninth Edition, a copy of which is in Attachment A.

4. A brief background on the amendment to Annex 13 follows:

- a) An alliance partner, or the State of an alliance partner, may have information relevant to an investigation stemming from the sharing of technical and operational resources between the alliance airlines. Existing paragraph 5.23 of Annex 13 is intended to cater to this kind of situation. In order to further clarify this intent, the existing Note

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under paragraph 5.23 is amended to indicate that any State being involved as a State of code-share or alliance partner may be invited to appoint an accredited representative to participate in the investigation.

- b) Following the investigation of a mid-air collision between a Boeing 757-200 and a Tupolev 154M on 1 July 2002 near Überlingen, Germany, a number of safety recommendations were addressed to ICAO. One of those recommendations was that air traffic services units be equipped with a recording device that records background communications and noise at air traffic controller work stations, similar to a cockpit voice recorder system. New provision 5.12 e) of Annex 13 grants the same level of protection to the recordings and transcripts of recordings from air traffic control units as is currently given to cockpit voice recordings.
- c) The legal guidance for the protection of information from safety data collection and processing systems was developed in response to Assembly Resolution A35-17: Protecting information from safety data collection and processing systems in order to improve aviation safety. It is intended to assist States to enact national laws and regulations to protect information gathered from all relevant safety data collection and processing systems, while allowing for the proper administration of justice in the State. The legal guidance takes the form of a series of principles that can be adapted to meet the needs of individual States, and encompasses all relevant safety data collection and processing systems, including certain accident and incident records. The guidance is incorporated into Annex 13 as a new Attachment E. As a consequence, notes are added to Chapters 5 and 8 of Annex 13.

5. In accordance with the decision of the 26th Session of the Assembly, I would like to bring to your attention the Organization's long-standing practice of providing documentation to States upon request. In this regard, I wish to refer you to the ICAO-NET website (www.icao.int/icaonet) where you can access all relevant documentation. The practice of dispatching printed copies of such documentation has now been discontinued.

6. In conformity with the Resolution of Adoption, may I request:

- a) that before 17 July 2006 you inform me if there is any part of Amendment 11, concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
- b) that before 23 October 2006 you inform me of the following, using the form in Attachment C for this purpose:
 - 1) any differences that will exist on 23 November 2006 between the national regulations or practices of your Government and the provisions of the whole of Annex 13, as amended by all amendments up to and including Amendment 11, and thereafter of any further differences that may arise;

- 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 13, as amended by all amendments up to and including Amendment 11.

7. With reference to the request in paragraph 6 a) above, it should be noted that a registration of disapproval of Amendment 11 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 6 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

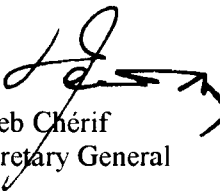
8. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment B.

9. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

10. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 6 b) above, to the ICAO Regional Director accredited to your Government.

11. As soon as practicable after the amendment becomes effective, on 17 July 2006, replacement pages incorporating Amendment 11 will be forwarded to you.

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



Taïeb Chérif
Secretary General

Enclosures:

- A — Amendment to the Foreword of Annex 13
- B — Note on the Notification of Differences
- C — Form on notification of disapproval of all or part of Amendment 11 to Annex 13
- D — Form on notification of compliance with or differences from Annex 13

Under separate cover:

Copy of Amendment 11 to Annex 13 with the associated Resolution of Adoption (to be dispatched on or about 24 March 2006)

ATTACHMENT A to State letter AN 6/1.2-06/27

AMENDMENT TO THE FOREWORD OF ANNEX 13, NINTH EDITION

Add the following at the end of Table A (page xii):

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject</i>	<i>Adopted/Approved Effective Applicable</i>
11	Accident Investigation and Prevention (AIG) Divisional Meeting (1999). Air Navigation Commission. Assembly Resolution A35-17.	<ul style="list-style-type: none"> a) participation of other States in investigations; b) non-disclosure of recordings and transcripts of recordings from air traffic control units; and c) legal guidance for the protection of information from safety data collection and processing systems. 	<ul style="list-style-type: none"> 3 March 2006 17 July 2006 23 November 2006

**NOTE ON THE NOTIFICATION OF DIFFERENCES TO ANNEX 13
AND FORM OF NOTIFICATION**

(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 The Assembly and the Council, when reviewing the notification of differences by States in compliance with Article 38 of the Convention, have repeatedly noted that the state of such reporting is not entirely satisfactory.

1.2 With a view to achieving a more comprehensive coverage, this note is issued to facilitate the determination and reporting of such differences and to state the primary purpose of such reporting.

1.3 The primary purpose of reporting of differences is to promote safety and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards.

1.4 Contracting States are, therefore, requested to give particular attention to the notification before 23 October 2006 of differences with respect to Standards in Annex 13. The Council has also urged Contracting States to extend the above considerations to Recommended Practices.

1.5 Contracting States are asked to note further that it is necessary to make an explicit statement of intent to comply where such intent exists, or where such is not the intent, of the difference or differences that will exist. This statement should be made not only to the latest amendment but to the whole Annex, including the amendment.

1.6 If previous notifications have been made in respect of this Annex, detailed repetition may be avoided, if appropriate, by stating the current validity of the earlier notification. States are requested to provide updates of the differences previously notified after each amendment, as appropriate, until the difference no longer exists.

2. *Notification of differences to Annex 13 including Amendment 11*

2.1 Past experience has indicated that the reporting of differences to Annex 13 has in some instances been too extensive since some appear merely to be a different manner of expressing the same intent.

2.2 Guidance to Contracting States in the reporting of differences to Annex 13 can only be given in very general terms. Where the national regulations of States call for compliance with procedures that are not identical but essentially similar to those contained in the Annex, no difference should be reported since the details of the procedures existing are the subject of notification through the medium of aeronautical information publications. Although differences to Recommended Practices are not notifiable under Article 38 of the Convention, Contracting States are urged to notify the Organization of the differences between their national regulations and practices and any corresponding Recommended Practices contained in an Annex. States should categorize each difference notified on the basis of whether the corresponding national regulation is:

- a) ***More exacting or exceeds the ICAO Standard or Recommended Practice (SARP) (Category A)***. This category applies when the national regulation is more demanding than the corresponding SARP, or imposes an obligation within the scope of the Annex which is not covered by a SARP. This is of particular importance where a State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;
- b) ***Different in character or other means of compliance (Category B)****. This category applies when the national regulation is different in character from the corresponding ICAO SARP, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) ***Less protective or partially implemented/not implemented (Category C)***. This category applies when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part.

2.3 When a Contracting State deems an ICAO Standard concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences to Annex 8 provisions related to the design and construction of an aircraft.

2.4 For States that have already fully reported differences from Annex 13 or have reported that no differences exist, the reporting of any further differences occasioned by the amendment should be relatively straightforward; however, attention is called to paragraph 1.5 wherein it is indicated that this statement should be made not only to the latest amendment but to the whole Annex, including the amendment.

*The expression “different in character or other means of compliance” in b) would be applied to a national regulation which achieves, by other means, the same objective as that of the corresponding ICAO SARPs and so cannot be classified under a) or c).

3. *Form of notification of differences*

3.1 Differences should be notified in the following form:

- a) *Reference*: The number of the paragraph or subparagraph in Annex 13 as amended which contains the Standard or Recommended Practice to which the difference relates;
- b) *Category*: Indicate the category of the difference as A, B or C in accordance with paragraph 2.4 above.
- c) *Description of the difference*: Clearly and concisely describe the difference and its effect;
- d) *Remarks*: Under “Remarks” indicate reasons for the difference and intentions including any planned date for implementation.

3.2 The differences notified will be recorded in a Supplement to the Annex, normally in the terms used by the Contracting State when making the notification. In the interest of making the supplement as useful as possible, please make statements as clear and concise as possible and confine remarks to essential points. Comments on implementation, in accordance with paragraph 4 b) 2) of the Resolution of Adoption, should not be combined with those concerning differences. The provision of extracts from national regulations cannot be considered as sufficient to satisfy the obligation to notify differences. General comments that do not relate to specific differences will not be published in Supplements.

ATTACHMENT C to State letter AN 6/1.2-06/27

**NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF
AMENDMENT 11 TO ANNEX 13**

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

(State) _____ hereby wishes to disapprove the following
parts of Amendment 11 to Annex 13:

Signature _____

Date _____

NOTES

- 1) If you wish to disapprove all or part of Amendment 11 to Annex 13, please dispatch this notification of disapproval to reach ICAO Headquarters by 17 July 2006. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 11, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 13. Separate notifications on this are necessary. (See Attachment D.)
- 3) Please use extra sheets as required.

ATTACHMENT D to State letter AN 6/1.2-06/27

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM
ANNEX 13
(including all amendments up to and including Amendment 11)**

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

1. No differences will exist on _____ between the national regulations and/or practices of **(State)** _____ and the provisions of Annex 13, including all amendments up to and including Amendment 11.

2. No differences will exist on _____ between the regulations and/or practices of **(State)** _____ and the provisions of Annex 13, including Amendment 11: (Please see Note 3) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Difference Category (Please indicate A, B, or C)	c) Details of Difference (Please describe the difference clearly and concisely)	d) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required)

3. By the dates indicated below, (**State**)_____ will have complied with the provisions of Annex 13, including all amendments up to and including Amendment 11 for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments
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(Please use extra sheets as required)

Signature _____

Date _____

NOTES

- 1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) Please dispatch the form to reach ICAO Headquarters by 23 October 2006.
- 3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 4) Guidance on the notification of differences from Annex 13 is provided in the Note on the Notification of Differences at Attachment B.
- 5) Please send a copy of this notification to the ICAO Regional Director accredited to your Government.

— END —

AMENDMENT No. 11

TO THE

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

ANNEX 13

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

The amendment to Annex 13 contained in this document was adopted by the Council of ICAO on **3 March 2006**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **17 July 2006** will become effective on that date and will become applicable on **23 November 2006** as specified in the Resolution of Adoption.

MARCH 2006

INTERNATIONAL CIVIL AVIATION ORGANIZATION

**AMENDMENT 11 TO THE INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

RESOLUTION OF ADOPTION

The Council

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 3 March 2006 Amendment 11 to the International Standards and Recommended Practices contained in the document entitled *Aircraft Accident and Incident Investigation* which for convenience is designated Annex 13 to the Convention;
2. *Prescribes* 17 July 2006 as the date upon which the said Amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;
3. *Resolves* that the said Amendment or such parts thereof as have become effective shall become applicable on 23 November 2006;
4. *Requests the Secretary General:*
 - a) to notify each Contracting State immediately of the above action and immediately after 17 July 2006 of those parts of the amendment which have become effective;
 - b) to request each Contracting State:
 - 1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 23 November 2006 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 23 October 2006, and thereafter to notify the Organization of any further differences that arise;
 - 2) to notify the Organization before 23 October 2006 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;
 - c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, when the notification of such differences is important for the safety of air navigation, following the procedure specified in subparagraph b) above with respect to differences from Standards.

NOTES ON THE PRESENTATION OF THE AMENDMENT TO ANNEX 13

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

1. ~~Text to be deleted is shown with a line through it.~~ text to be deleted
2. **New text to be inserted is highlighted with grey shading.** new text to be inserted
3. ~~Text to be deleted is shown with a line through it~~ followed by the replacement text which is highlighted with grey shading. new text to replace existing text

TEXT OF AMENDMENT 11 TO THE
INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES

**AIRCRAFT ACCIDENT AND
INCIDENT INVESTIGATION**

ANNEX 13
TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

...

CHAPTER 5. INVESTIGATION

RESPONSIBILITY OF THE STATE
CONDUCTING THE INVESTIGATION

...

Non-disclosure of records

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

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

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

Note 1.— Information contained in the records listed above, which includes information given voluntarily by persons interviewed during the investigation of an accident or incident, could be utilized inappropriately for subsequent disciplinary, civil, administrative or criminal proceedings. If such

information is distributed, it may, in the future, no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect flight safety.

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

...

PARTICIPATION OF OTHER STATES

...

Rights

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

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

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CHAPTER 8. ACCIDENT PREVENTION MEASURES

...

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

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

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

Note 3.— Guidance related to both mandatory and voluntary incident reporting systems is contained in the [Accident Prevention Manual \(Doc 9422\)](#) Safety Management Manual (Doc 9859).

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

...

Insert new Attachment E as follows:

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

1. Introduction

1.1 The protection of safety information from inappropriate use is essential to ensure its continued availability, since the use of safety information for other than safety-related purposes may inhibit the future availability of such information, with an adverse effect on safety. This fact was recognised by the 35th Assembly of ICAO, which noted that existing national laws and regulations in many States may not adequately address the manner in which safety information is protected from inappropriate use.

1.2 The guidance contained in this Attachment is therefore aimed at assisting States enact national laws and regulations to protect information gathered from safety data collection and processing systems (SDCPS), while allowing for the proper administration of justice. The objective is to prevent the inappropriate use of information collected solely for the purpose of improving aviation safety.

1.3 Because of the different legal systems in States, the legal guidance must allow States the flexibility to draft their laws and regulations in accordance with their national policies and practices.

1.4 The guidance contained in this Attachment, therefore, takes the form of a series of principles that have been distilled from examples of national laws and regulations provided by States. The concepts described in these principles could be adapted or modified to meet the particular needs of the State enacting laws and regulations to protect safety information.

1.5 Throughout this Attachment:

- a) *safety information* refers to information contained in SDCPS established for the sole purpose of improving aviation safety, and qualified for protection under specified conditions in accordance with 3.1, below;
- b) *operational personnel* refers to personnel involved in aviation operations who are in a position to report safety information to SDCPS. Such personnel include, but are not limited to, flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, cabin crews, flight dispatchers and apron personnel;
- c) *inappropriate use* refers to the use of safety information for purposes different from the purposes for which it was collected, namely, use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, and/or disclosure of the information to the public;
- d) SDCPS refers to processing and reporting systems, databases, schemes for exchange of information, and recorded information and include:
 - 1) records pertaining to accident and incident investigations, as described in Annex 13, Chapter 5;

- 2) mandatory incident reporting systems, as described in Annex 13, Chapter 8;
- 3) voluntary incident reporting systems, as described in Annex 13, Chapter 8; and
- 4) self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.

Note.— Information on safety data collection and processing systems can be found in the ICAO Safety Management Manual (Doc 9859).

2. **General principles**

2.1 The sole purpose of protecting safety information from inappropriate use is to ensure its continued availability so that proper and timely preventive actions can be taken and aviation safety improved.

2.2 It is not the purpose of protecting safety information to interfere with the proper administration of justice in States.

2.3 National laws and regulations protecting safety information should ensure that a balance is struck between the need for the protection of safety information in order to improve aviation safety, and the need for the proper administration of justice.

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

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

3. **Principles of protection**

3.1 Safety information should qualify for protection from inappropriate use according to specified conditions that should include, but not necessarily be limited to: the collection of information was for explicit safety purposes and the disclosure of the information would inhibit its continued availability.

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

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

3.4 Safety information should not be used in a way different from the purposes for which it was collected.

3.5 The use of safety information in disciplinary, civil, administrative and criminal proceedings should be carried out only under suitable safeguards provided by national law.

4. **Principles of exception**

4.1 Exceptions to the protection of safety information should only be granted by national laws and regulations when:

- a) there is evidence that the occurrence was caused by an act considered, in accordance with the law, to be conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct;
- b) an appropriate authority considers that circumstances reasonably indicate that the occurrence may have been caused by conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct; or
- c) a review by an appropriate authority determines that the release of the safety information is necessary for the proper administration of justice, and that its release outweighs the adverse domestic and international impact such release may have on the future availability of safety information.

5. **Public disclosure**

5.1 Subject to the principles of protection and exception outlined above, any person seeking disclosure of safety information should justify its release.

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

- a) disclosure of the safety information is necessary to correct conditions that compromise safety and/or to change policies and regulations;
- b) disclosure of the safety information does not inhibit its future availability in order to improve safety;
- c) disclosure of relevant personal information included in the safety information complies with applicable privacy laws; and
- d) disclosure of the safety information is made in a de-identified, summarized or aggregate form.

6. **Responsibility of the custodian of safety information**

6.1 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**

7.1 Considering that ambient workplace recordings required by legislation, such as cockpit voice recorders (CVRs), may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to:

- a) subject to the principles of protection and exception above, national laws and regulations should consider ambient workplace recordings required by legislation as privileged protected information, i.e. information deserving enhanced protection; and
- b) national laws and regulations should provide specific measures of protection to such recordings as to their confidentiality and access by the public. Such specific measures of protection of workplace recordings required by legislation may include the issuance of orders of non-public disclosure.

— END —