

POLICY STATEMENT 51 | Safety Data/Information Protection, Sharing and Exchange

UNCONTROLLED DOCUMENT WHEN PRINTED

Effective date of Implementation: 15 November 2018

Rationale: ICAO Annex 19 Chapter 5 aims to ensure the continued availability of safety data and safety information to support safety management activities. This policy is to support this through the protection of safety data and safety information within ASSI and OTAA, when shared and exchanged by ASSI or an OTAA. For the purpose of this policy, safety data and safety information include any audio, visual or audio-visual workplace recording.

Policy Statement:

1. ASSI and OTAA will protect safety data and safety information captured and derived from the reporting system. The level of protection afforded is based on the nature of the safety data and safety information.
2. ASSI and OTAA shall ensure that safety data and safety information are only used to maintain and improve safety, unless it is determined by the CEO ASSI or DCA of the OTAA that a **principle of exception** applies.
3. If ASSI or an OTAA identifies a safety matter considered to be of interest to another State, it shall forward such safety information to that State. Before any such exchange takes place, it will ensure that the other State agrees to adhere to the levels of protection and conditions described in ICAO Annex 19 Appendix 3.
4. ASSI and OTAA shall ensure as far as possible that safety data or safety information derived from their respective reporting system is not:
 - a) used for disciplinary, civil, administrative or criminal proceedings against employees, operational personnel or organisations;
 - b) disclosed to the public; or
 - c) used for any purpose other than maintaining or improving safety,unless a **principle of exception** applies.
5. If safety data or safety information is to be disclosed under a **principle of exception**, ASSI or the OTAA, as applicable, shall ensure that:
 - a) public disclosure of relevant personal information included within 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 disidentified, summarised or aggregated form.

Principle of exception:

Exceptions to the protection of safety data, safety information and related sources shall only be granted where ASSI or the OTAA, as appropriate, assesses that:

- a) there are facts and circumstances that reasonably indicate that the occurrence may have been caused by an act or omission, in accordance with law, to be conduct constituting gross negligence, wilful misconduct or criminal activity;

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