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Luis E. Ortiz

Griselda Capaldo

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## CAN JUSTICE USE TECHNICAL AND PERSONAL INFORMATION OBTAINED THROUGH AIRCRAFT ACCIDENT INVESTIGATIONS?

COL. LUIS E. ORTIZ\*  
DR. GRISELDA CAPALDO\*\*

*This article examines the legal background of aircraft accident investigation in Argentina and other Latin American countries.*

*In Argentina, there is no specific legislation to prevent Justice from unjustified or improper use of the technical and personal information discovered during an accident investigation. These unjustified and improper uses adversely affect flight safety.*

*Amending Argentine legislation is one solution to the problem of compromised flight safety. This article discusses the relevant proposed amendment as well as the preliminary version of the "Combined Forces Manual to Investigate the Accidents of Air Forces' Aircraft that are part of SICOFAA" (Cooperation System of American Air Forces) which defines privileged information.*

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\* M.S., Aeronautical Engineering, Georgia Institute of Technology. Mr. Ortiz is a military pilot and aeronautical engineer and is currently a Colonel in the Argentine Air Force. He has over thirty years of experience preventing and investigating aviation accidents and is currently the President of ISASI's Latin American Chapter. He is a test pilot at the Fabrica Militar de Aviones and is Professor of Flight Safety and Accident Investigation at the National Institute of Civil Aviation, Argentina. Mr. Ortiz is also Professor of Aircraft Structures Design at the National Technological University.

\*\* B.A., *Summa Cum Laude*, Colegio Nacional de General Lavalle – Provincia de Buenos Aires, Argentina; Lawyer, *Cum Laude*, Buenos Aires University; Masters in Aeronautical and Space Law, National Institute of Aeronautical and Space Law; Doctor of Law, *Summa Cum Laude*, Buenos Aires University. Ms. Capaldo's thesis, *Manufacturing of Aircraft: Legal Rules, Responsibility and Liability*, was given the distinguished Faculty Award. Ms. Capaldo currently works as a researcher for C.O.N.I.C.E.T and is the academic consultant of the ICAO. She is also the legal advisor to the United Nations Development Programme (UNDP). She has earned various awards for her work in international, environmental and aeronautical law and has published 18 articles on these topics. Her current book, *Aeronautical Responsibility: Limitation, Exoneration* is currently in the publication process.

*This article also proposes an amendment to Annex 13 of the Chicago Convention of 1944, which would aim to improve the legal efficacy of protecting the technical and personal information derived from aircraft accident investigations.*

## I. INTRODUCTION

### A. ACCIDENT INVESTIGATION AND FLIGHT SAFETY

**M**ODERN AVIATION, in all its facets of civil, utilitarian, and military transportation, undoubtedly towers above other modes of transportation because of its high safety rates. One of the procedures primarily responsible for this impressive level of safety and reliability is the aircraft accident investigation. This thorough investigative framework has helped to establish modern aviation as the safest means of transportation. In fact, International Civil Aviation Organization (ICAO) statistics reveal death rates during 1997 of a mere 0.04 passengers per every one hundred million (100,000,000) passengers per transported kilometer.

The Argentinean Aeronautical Code Act 17285/67 refers to the role investigations play in monitoring superior safety records in the Act's explanatory statements: "[t]he high degree of safety and efficiency achieved nowadays especially in air transportation is the outcome of a permanent task of investigation, analysis, and prevention which is mostly based on the study of aircraft accident causes."<sup>1</sup>

Accordingly, each time an aircraft accident or incident occurs, no matter how minor or significant it may be, authorities conduct a thorough investigation for the sole purpose of improving flight safety by avoiding similar accidents in the future. These investigations result in more reliable air travel and benefit millions of other passengers including "third parties on the ground" by allowing them to fly more safely.

Investigators are aware of the importance of witness interviews following an accident. This includes interviews with crew members, mechanics, engineers, repair station crews, and designers of the aircraft, and engine, as well as spare parts manufacturers. Similarly, anyone involved with aeronautical activity is also involved with flight safety. In many cases, this information is indispensable to clarify what happened and to prevent investigators from wasting time and effort analyzing other unnecessary factors

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<sup>1</sup> Código Aeronáutico art 17285 (67) (Arg.).

that, in many cases, may either lead to erroneous conclusions or prompt no conclusions at all.

Furthermore, during the course of an investigation, investigators can immediately disseminate information to alert other operators, who may be experiencing similar conditions, and hopefully prevent similar accidents.

### B. JUSTICE INTERVENTION

Every accident implicates various interests. These interests include dealing with the damage "artificial" persons, such as insurance companies, suffer. In this circumstance, Justice intervenes. In such a situation, the investigation's essential aim is finding the parties responsible for the damage and determining whom to hold liable for compensation or whom to punish for the accident. In Argentina, criminal proceedings are also available to punish persons responsible for aircraft accidents. But, instead of conducting an independent investigation, Justice generally uses the information contained within an accident investigation despite the investigation having been completed with other purposes in mind. For example, under Annex 13 of the ICAO, accident investigations are conducted to avoid repetition and to improve flight safety, not to apportion liability or blame.<sup>2</sup>

The Constitution of the Argentine Republic contemplates Justice intervention in section 116 which states:

The Supreme Court of Justice and the lower courts of the Nation have jurisdiction over and decide all cases dealing with matters governed by the Constitution and the laws of the Nation, with the exception of item 12, article 75, and treaties with foreign nations; all suits concerning ambassadors, public Ministers, and foreign consuls; of cases in admiralty and maritime jurisdiction; of suits in which the Nation is a party; of suits between two or more Provinces; between a Province and the resident of another; between residents of Provinces; and between one Province and its residents against a foreign state or citizen.<sup>3</sup>

In other words, the Argentinean Justice has the constitutional right to intervene in all of the Nation's acts.

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<sup>2</sup> See *Aircraft accident and incident investigation—Annex 13 to the Convention on International Civil Aviation*, at 4.1, (8th ed. 1994) [hereinafter Annex 13]. PARAGRAPH 3.1 OBJECTIVE OF THE INVESTIGATION coincides with the provisions stated within SECTION 185 OF THE AERONAUTICAL CODE OF THE ARGENTINE REPUBLIC. See AERONAUTICAL CODE OF THE ARGENTINE REPUBLIC (6th ed. 1996).

<sup>3</sup> CONST. ARG., § 116.

Accident investigations are high-quality reports that follow a strict process of describing the facts, gathering evidence, and verifying evidence to determine the causal factors of the accident. Consequently, the investigator must express an opinion regarding not only the technical components but, also the behavior of people involved in the accident because human error is almost always involved. This human error was the subject of the Fourth ICAO Congress on Human Factors and Flight Safety held in Santiago, Chile in April of 1999.<sup>4</sup>

In judicial accident investigations, the technical opinion of a qualified expert is one of the main tools parties to a lawsuit and judges use. The high quality and confidentiality with which aircraft accident investigations are handled make these experts sought after witnesses in the ensuing litigation. Accident investigations are performed to protect the flight safety of crew members, passengers, and operators. However, the goal of a legal investigation is to determine the limits of liability and to satisfy damaged parties or criminally punish those responsible for the accident.

In Argentina and Latin America, the Justice tends to directly intervene and demand that the entire investigation work towards determining liability for the accident, rather than attempting to discover evidence that may prevent future accidents. This type of direct intervention by Justice is problematic because in any accident some sort of human failure will be identifiable, whether it arises from design, preparation of manuals, maintenance, operation, or supervision procedures, or from in-flight pilot error.

For example, on August 19, 1995, during a commercial flight of Inter Austral Airlines, a flight-attendant died when she fell from the plane after opening a door. The presiding judge ordered the Investigation Board to show him the Final Report Project on the accident. Based upon the analysis of that investigative team, the judge ordered criminal prosecution of three engineers and a maintenance technician of the company under the charges of "Negligent Aircraft Accident with aggravation of death, as accessories."<sup>5</sup> Thus, the judge essentially assigned qualified expert status to all the information arising from the accident investigation.

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<sup>4</sup> *Fourth World Symposium On Human Factors And Flight*, ICAO (Apr. 12th—15th, 1999) (held in Santiago, Chile).

<sup>5</sup> *Id.*

Moreover, in Argentina, during or after an accident investigation, the judge, the plaintiff's attorney, or the defendant's attorney may request the complete records of the accident from the Investigation Board. These requests must be answered without delay. Upon failure to do so, the judge may order prosecution of the person responsible for the Investigation Board and order the seizure of all relevant documents. Section 700 of the Criminal Code of Procedure states the following:

The informative or documentary evidence requested by judges from public or private agencies or from private persons shall have to be sent to the Court-House within ten days as of receipt of the request. The Court, upon justified request of the agency or private person requested, presented within said period, will be entitled to extend said period of ten days. Should the requested parties fail to do so, the Court shall impose a fine of twenty thousand to five hundred pesos regardless of the administrative and criminal liabilities they may have incurred.<sup>6</sup>

During the 1996 Legal Experts meeting of the Sistema de Cooperación de las Fuerzas Aéreas Americanas: American Air Forces Cooperation System (SICOFAA) in Buenos Aires, the author presented the problems with these judicial interventions.<sup>7</sup>

Since these Latin American countries base their law upon that of Spain and Portugal, the laws and procedures pertaining to lawsuits are very similar among these countries, and therefore the associated problem areas are also common to all of these countries.

### C. CONSEQUENCES OF THE ACCIDENT INVESTIGATION

It is important to note that the Foreword of the Chicago Convention lists the safety and the order of the World Commercial Aviation as two reasons for conducting accident investigations.<sup>8</sup> It is no coincidence that safety is the first reason mentioned—safety is, after all, the sole reason for investigating an aircraft accident or incident.

Therefore, inadequate use of the investigation report will undoubtedly cause serious damage to the quality of the investiga-

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<sup>6</sup> Cód. Proc. Pen. § 700.

<sup>7</sup> See Col. Luis E. Ortiz, *Use Made by Justice of Technical Information on Accidents* (From an Investigator's Point of View) presented at the Legal Experts' Meeting from the SICOFAA (Buenos Aires, 1996).

<sup>8</sup> See Agreement on International Civil Aviation, Dec. 7, 1944, 61 Stat. 1180, 15 U.N.T.S. 295.

tion. The following are among the most important inconveniences:

1) People involved in the accident/incident may be reluctant to tell investigators what really happened for fear of criminal prosecution if their own errors contributed in the accident/incident.

2) People also fear that the investigators may fail to adequately document the factors, which caused the accident/incident, because that information may later be used against any of the persons involved in the accident/incident who, in many cases, have efficiently collaborated in the investigation. This apprehension could reduce an investigation's depth and accuracy, creating a merely superficial account of the event.

3) Delays and interference in investigations may arise due to a Justice ordered seizure of vital component parts for the investigation which, in many cases, may be damaged or altered as a result of the lack of knowledge of the persons who manipulate or keep them.<sup>9</sup>

4) Interference with and delays in the investigation to supply information on a frequent basis and within peremptory periods ordered by judges will accordingly cause delays for operators implementing preventive measures.

5) After finishing the accident investigation, investigators may also be questioned for not having investigated aspects of exclusive interest to Justice or for having destroyed evidence during testing.

Thus, the use of technical information for purposes other than those related to flight safety penalizes the quality of future investigations which in turn decreases flight safety. Furthermore, the role that Justice plays in accident investigations grows increasingly more important each day. In Argentina, as in most Latin American countries, no updated laws have been enacted to exempt information gathered in accident investigations from being supplied and used for other purposes which may not be strictly related to flight safety.

## II. THE SOLUTION

As noted above, in most Latin American countries technical information gained through aircraft accident investigations is completely unprotected. This detrimentally compromises fu-

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<sup>9</sup> See Annex 13, *supra* note 1, at 9.

ture investigations and flight safety not only in Latin America but in the rest of the world as well. The present situation could be better managed in the three following ways: 1) improving the knowledge of the parties; 2) updating the laws; and 3) updating Annex 13 of the ICAO. These actions are interdependent and should be developed simultaneously.

#### A. IMPROVING THE KNOWLEDGE OF THE PARTIES

First, judges must be educated on the purpose of accident investigations and on the damage that inappropriate use of an investigation's report may cause. This kind of education is necessary because Aviation Law is in many cases an elective that constitutes only a small portion of the law school curriculum. Therefore, both judges and lawyers are often unfamiliar with Aviation Law. At the same time, investigators must understand their responsibilities, the specific information judges need, and how to become acquainted with Justice during an accident investigation.

#### B. UPDATING THE LAWS

Latin American countries must create updated legislation in order to protect information concerning accident investigations. Currently, no specific legal rules exist to govern and/or regulate the usage of information contained within aircraft accident reports. Since being an ICAO signatory requires countries to operate aircraft accident and investigation systems, such laws should be in accordance with the international agreements into which signatory countries of the ICAO have entered.

##### *1. General Considerations About Future Legislation*

Justice currently follows the principle that all which is not forbidden is allowed. Thus, Justice's present use of all the information concerning accident investigations is lawful. In order to control this generic lawfulness, focusing attention on the subject from the principle of legality by regulating the differences between permitted uses and improper uses is necessary.

The parameter used to delineate the boundary, or line of demarcation, should arise from the idea of accepting the lesser of two evils to avoid a greater and more universal evil. Thereby, every report related to an aircraft accident/incident investigation by law should consist of the following two parts: 1) guidelines regarding which generic information may be disclosed; 2)



guidelines regarding information sensitive to achieving the investigation's objective, which is preventing future accidents of a similar nature or with similar case in order to improve aviation safety.

The essence of this kind of data is its secret nature. Accordingly, this information should not be disclosed and the law should penalize anyone who does so. For example, any agent who discloses such information should be liable for criminal misconduct by public officials. This solution would protect agents from being forced to divulge certain sensitive information related to accident incident reports that Justice could use to incriminate certain persons on either a civil or criminal basis.

Sensitive information (privileged information) would be defined as information referring to the protection of air navigation safety as a legally protected interest or any information that is so defined in international agreements and/or treaties. Protecting this type of sensitive information would help protect public interest in aviation safety, because the state has a responsibility to safely render transportation services under maximum safety conditions for the persons and goods transported as well as for third parties on the ground. Moreover, sensitive information could also refer to industrial secrets. Protecting this information would also protect the economic interests of the corporations involved. This, in turn, could help insure a stable economy for the country at large.

## 2. *Definition of Privileged Information*

Interestingly, the SICOFAA incorporated the concept of privileged information in the *Combined Forces Manual to Investigate the Accidents of Air Forces' Aircraft*.<sup>10</sup> Privileged information refers to information that cannot be disclosed outside of the Air Forces Security System. The Air Forces treat this information confidentially to ensure that the Air Force Chief of Staff can obtain the information, with respect to an accident, in a quick and genuine way, and so fomenting the Flight Security and the operational capacity. The privileged information includes:

1. Determinations, conclusions, reasons, recommendations, and the deliberative processes of the Investigating Accidents Board. This protection is also applied to the determinations,

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<sup>10</sup> See COMBINED FORCES MANUAL TO INVESTIGATE THE ACCIDENTS OF AIR FORCES' AIRCRAFT WHICH ARE PART OF SICOFAA (APPENDIX B) May 1999.

conclusions, reasons, recommendations, and the investigator's deliberative process in a terrestrial accident or an accident related to an explosion.

2. Any information obtained regarding contractors that manufacture, design, or maintain equipment implicated in an accident, when the acquired information was based on a promise of confidentiality.

3. Video simulated tapes or computer accident practice created together with the Investigations Flight Security, except for cases associated with space accidents.

4. The analyses of life science that include: medical history, medical accident reports, psychological history reports, expenditure, survival teams, and other human factors related to the accident.

5. Internal crew communication recordings.

6. Video registrations with the crew internal information.<sup>11</sup>

Also, Black's Law Dictionary defines privileged as "[n]ot subject to the usual rules or liabilities; esp., not subject to disclosure during the course of a lawsuit (privileged document)."<sup>12</sup> Obviously, these are not areas with perfectly marked boundaries. Thus, applying the blurred sets theory may be useful. Then, the application of the principle of legality would allow the reduction of stressful situations generated between an investigator and Justice.

In addition, analyzing whether a data bank would be useful as a tool to store information, since such a compilation of information would itself receive protection under Argentinean law, is necessary. For example, in Information Law, every data bank is protected by several legal principles, including confidentiality. Therefore, witnesses, crew members, and operators who may have given information could prevent their remarks from being used as evidence in a civil lawsuit for damages. This protection of confidential information covers every datum stored in a data bank, and the violation of this right precipitates the filing of a "habeas data."

The revised laws should also mandate that the only lawful use of sensitive data in civil lawsuits for damages is by a grounded order from the presiding judge. To discourage attorneys from demanding such grounded orders as a means of gaining access

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<sup>11</sup> See Aviation Accidents and Incidents Investigation Instruction Book, Internal Civil Aviation Agreement, appendix 13, USAF (AFI 91-204).

<sup>12</sup> BLACK'S LAW DICTIONARY 1217 (7th ed. 1999).

to certain sensitive data, the sending of such information should be subject to a fee.

The authority dealing with the investigation of an accident, as well as its agents, should be exempted from all civil and administrative responsibilities. Such liability could arise from the disclosure of data which could affect a third party's rights to be investigated, because of violating either the principles of confidentiality or of industrial secrets. The attorney and the parties who request the grounded order from the judge should be held fully responsible if the grounds on which such a grounded order were based prove inappropriate.

### C. UPDATING ANNEX 13 OF THE ICAO

To implement the previously mentioned changes in the law, it will be necessary to update the wording of Annex 13. In view of this situation, it would be convenient to modify the wording of some paragraphs in Chapter 5 of Annex 13 regarding the use of technical information concerning accidents and the coordination between the investigators and judicial authorities. Paragraphs 5.10, 5.11, and 5.12 especially need to be changed to contain more accurate wording as well as updated according to the present day needs of these investigations. These changes will help investigators and Justice fulfill the objective of Annex 13 and the spirit of the Chicago Convention's foreword.

These modifications will also contribute to Justice's interpretation of the investigation's purpose while at the same time, in countries lacking specific legislation, facilitate a greater understanding among legislators regarding the study and passing of laws that harmonize the interests at stake during and after accident and incident investigations.

Further, consider that in some countries no conflicts exist between the accident investigation and Justice; therefore, the modification is unwarranted. Thus, it is essential to presume that other countries may already have concordant legislation that aided with the drafting of Annex 13, or because of a particular development within aviation, Justice accepted and interpreted the spirit of Annex 13 and the Chicago Convention correctly.

Modern commercial aviation is intrinsically international because of the passengers, cargo, crew members, aircraft, engines, pieces of equipment, airports, services rendered by air-traffic controllers, and insurance involved. Therefore, recognizing that in a globalized world the decisions a judge makes in one

country have direct and immediate repercussions on other countries is important.

In view of the pressure that mass communication exerts and the economic complaints that injured parties and insurance companies file, confrontation regarding conflicting situations about the interpretation of Annex 13 in any country is inevitable. Accordingly, it is an opportune time to revise Annex 13.

The following proposal should appropriately modify paragraphs 5.10, 5.11, and 5.12 of Annex 13.

*1. Paragraph 5.10 (Present wording)*

COORDINATION - JUDICIAL AUTHORITIES

The State conducting the investigation shall recognize the need for co-ordination between the investigator-in-charge and the judicial authorities. Particular attention shall be given to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and readouts of flight recorder recordings.<sup>13</sup>

a. Analysis

Whether the evidence must be released to investigators immediately is unclear. Any evidence unreasonably withheld unduly penalizes the investigation in terms of quality and promptness and these delays hinder the safety of other passengers and crew members. For example, delays by judicial authorities in submitting crashed aircraft recorders to investigators in Latin America contradict ICAO principles. On the other hand, Note 2 contradicts the wording of Paragraph 5.12 (d) because it does not consider that the only reason flight recorders are installed on aircraft is for accident and incident investigation.<sup>14</sup> Therefore, authorities must ensure that these recorders are released to the investigator in charge without delay, thus securing custody of the elements to eliminate any conflict between investigators and judicial authorities.

Paragraph 5.10 must better reflect the priorities during the investigation and the reasons that flight and voice recorders such as Flight Data Recorder (FDRs) and Cockpit Voice Recorder (CVRs) exist.

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<sup>13</sup> Annex 13, *supra* note 1, at 9.

<sup>14</sup> *See id.*

b. Proposed Modifications to Paragraph 5.10 (*modified parts in italics*)

The State conducting the investigation shall recognize the need for coordination between the investigator-in-charge and the judicial authorities. Particular attention shall be given *to all of the evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and readouts of flight and voice (FDR and CVR) recorder recordings, being released to the investigator in charge without delay, since any evidence improperly unduly penalizes the investigation in terms of quality and promptness, and these mistakes directly affect the safety of other passengers, crew members, and cargo.*

*Note 2 - Any possible conflict between the authorities conducting the investigation and judicial authorities, with respect to the custody of flight and voice recorders and their data (as well as the custody of any other element related to the investigation of the cause of the accident) will be resolved by having the recorders under the precarious custody of judicial authority, understanding that the main custody shall correspond to the authorities in charge of the investigation, unless a greater legal interest should dictate a different course of acting.*

2. Paragraph 5.11 (*Present wording*)

INFORMING AVIATION SECURITY AUTHORITIES

"If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed."<sup>15</sup>

a. Analysis

Although Paragraph 5.11 should refer to the international agreements presently in force, it does not clearly state what is an act of unlawful interference. Also, it does not give any examples of cases in which there has been a sabotage, an attempt, or a shooting down. Moreover, Paragraph 5.11 does not state what to do with the information, the evidence, and any analysis that may have been conducted, nor does it explicate what kind of relationship the Justice authorities and the investigator in charge should maintain.

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<sup>15</sup> *Id.*

Paragraph 5.11 must explicitly define what constitutes unlawful interference and state the proper procedure concerning information regarding the accident.

b. Proposed Modifications to Paragraph 5.11 (*modified parts in italics*)

If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, *as defined in the international agreements presently in force*, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

Interested Party/Parties. *All of the information and facts related to the unlawful interference, as well as the analysis that may have contributed to its determination, will be placed at the security authorities' disposal. The rest of the information will be dealt with according to the recommendations included in Paragraph 5.12.*

3. Paragraph 5.12 (*Present wording*)

DISCLOSURE OF RECORDS

The State conducting the investigation of an accident or incident, wherever it occurred, 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; and
- e) opinions expressed in the analysis of information, including flight recorder information.

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.<sup>16</sup>

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<sup>16</sup> *Id.* at 9-10.

a. Analysis

The wording of this section does not entirely reflect what Paragraph 3.1 of Annex 13 recommended. Paragraph 3.1, entitled OBJECTIVE OF THE INVESTIGATION, states that “[t]he sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.” Paragraph 5.12 leaves the usage of information for other purposes not linked with the prevention of future accidents or incidents to the discretion of Justice. But, the intervention of Justice in an accident or incident generally occurs with the purpose of apportioning blame or liability. Moreover, Paragraph 5.12 does not specify under what circumstances Justice could request the previously mentioned information.

Justice’s use of technical information concerning accident and incident investigations always produces a negative effect on natural persons or legal entities involved in an accident. Thus, such individuals and entities will be less likely to cooperate with investigators in a future accidents. This hesitancy will accordingly exert a detrimental influence on safety for the domestic and international aviation community, despite safety being the first condition mentioned in the Foreword of the Chicago Convention as well as the primary interest to be protected in accident and incident investigations.

Authorities in charge of the administration of justice are unable to determine the potentially adverse domestic and international consequences or the impact of these different regulations for future investigations. Furthermore, such authorities are not the most qualified to evaluate these reports since in some cases, because of inexperience, they may be unfamiliar with the objective of the investigation, investigatory techniques, or the purpose of the flight and voice recorders.

Hence, the wording of Paragraph 5.12 does not preserve the investigation’s objective as described in Annex 13, nor does it protect information concerning the investigation for other purposes unrelated to the investigation itself. Therefore, the current ineffectiveness of Paragraph 5.12 adversely affects flight safety.

b. Proposed Modifications to Paragraph 5.12 (*modified parts in italics*)

DISCLOSURE OF RECORDS

## Paragraph 5.12

The State conducting the investigation of an accident or incident, wherever it occurred, shall not make the following records available for purposes other than accident or incident investigation.

- 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; and
- e) opinions expressed in the analysis of information, including flight recorder information, *since the installation of flight and voice recorders, such as Flight Data Recorders (FDRs): Cockpit Voice Recorders (CVRs) is exclusively conducted for accident and incident investigations or for studies related to flight safety.*
- f) *any other information confidentially obtained during investigations.*

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—Judicial authorities from the State investigating the accident or incident may use the information referred to in items (a) through (e) when upon such information with a good reason and upon the consent of the authority investigating the accident or incident that it is essential to solve the judicial proceedings and more importantly, the adverse consequences that such a decision might have on a domestic and international level about future investigations.*



