

## The Collection and Use of Safety Information

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## The Collection and Use of Safety Information

### 1. Purpose and Scope

The purpose of this policy is to:

- (a) define what safety data and information is; and
- (b) define the principles which guide the way in which safety data and information is managed by the Civil Aviation Authority; and
- (c) define the principles which guide decisions about safety data and information that is used by the Civil Aviation Authority.

### 2. Authority

The General Manager Safety Information is the owner of this document and is responsible for the regular review and maintenance of this document. The General Manager Safety Information is responsible for ensuring that this document follows and meets the Responsibility, Application, Accountability, Monitoring, Approval/Amendments and Availability criteria described in the [Development and Control of CAA Policies and Procedures](#).

### 3. References

N/A

### 4. Records

N/A

### 5. Policy

#### 5.1 Context

The CAA is responsible for the regulation and oversight of New Zealand's civil aviation system. To be effective in these roles, the CAA uses safety data and information to understand what is happening within the civil aviation system. Using safety data and information enables the CAA to select the best 'tool' or 'tools' to apply in order improve the safety performance of the system. The process of selecting 'tools' can be thought about in two contexts.

First, at the system level, analysis of data and information enables trends in the safety performance of the civil aviation system to be understood. This understanding in turn enables decisions to be made about how to change aspects of the civil aviation system to enhance the systems' safety performance.

Second, safety data and information is used at the level of the document holder or participant within the civil aviation system. Assessment and analysis of safety data and information at this level enables safety performance issues associated with aircraft, aircraft types, operators and operation types etc., to be identified, and corrective actions to be taken.

Legislation controls the uses of safety data and information. Specifically, the Civil Aviation Act, the Privacy Act and the Official Information Act each create obligations with respect to the management, use and disclosure of data and information.

Legislation also specifies what information must be reported to the CAA — specifically Civil Aviation Rule part 12 reports, or data and information derived from investigatory processes (e.g., investigations undertaken with respect to section 15A of the Civil Aviation Act) or other reporting requirements (e.g., section 13 of the Act) described by the Civil Aviation Act. There are also a number of other sources, ranging from complaints from members of the public, to information that may be voluntarily disclosed by an aviation participant.

Safety data and information supplied to the CAA does not have any legal protections for disclosure, other than those conveyed by the Privacy Act, where that information pertains to an individual, or within the Official Information Act under particular circumstances.

Safety data and information, as collected by the CAA, can be used for a variety of purposes. Civil Aviation Rules stipulate the data and information that must be supplied to the CAA by civil aviation participants. Similarly, there is guidance in Civil Aviation Rules about how that information can be used, and for what purpose the information can be used. In essence, the CAA can use safety data and information for any purpose with respect to its role as a safety regulator.

Safety data and information enables both the CAA and participants to identify issues that need to be addressed. Actions taken to address an issue may be formal — changing privileges, promoting changes to rules, etc — or less formal, though the safety promotion to encourage good practice by system participants. There are two underlying themes at the heart of this policy and the CAA's activities:

1. Safety data and information needs to be used to inform all of the CAA's activities;
2. Safety data and information helps the CAA identify what it needs to do in order to positively influence the behaviour of participants to achieve good safety performance of the civil aviation system.

In all situations, safety data and information is crucial for the CAA as the regulator and participants within the system. Data and information enables good decisions to be made by both participants and the regulator, and as a consequence, helps the travelling public to have confidence in the safety performance of the civil aviation system.

## 5.2 Issues Relevant to this Policy

The CAA has a set of tools it can deploy to change the attitudes and behaviours of participants in the civil aviation system, such that the system operates safely and securely. To make these tools effective, safety data and information needs to be collected, assessed, and disseminated. The need to collect, assess and disseminate data and information gives rise to three issues that have been considered in the development of this policy. Those three issues are:

- Whether data and information supplied to the CAA can be used to 'inform' any decision the CAA makes in discharging its functions as a safety and security regulator;
- How crucial data and information is to the success of Safety Management Systems for participants in the aviation system, as it is the data and information which will show how participants are meeting their obligations; and
- The degree to which law enforcement action is dependent on data and information that can be used for evidential purposes, and whether that places additional requirements on how data and information is collected and used by the CAA in some circumstances.

The CAA undertakes investigation of occurrences or accidents in the context of its role as a safety regulator. The Transport Accident Investigation Commission undertakes investigations in respect of New Zealand's ICAO Annex 13 obligations.

The CAA is responsible for liaising with the ICAO on behalf of New Zealand, including liaison with respect to NZ's Annex 13 responsibilities.

This policy focuses on how the CAA uses data and information with respect to its role and its responsibilities. To that end, the policy is constructed around requirements in the Civil Aviation Act and the Civil Aviation Rules that pertain to the CAA's function and role as a safety regulator.

## 5.3 Civil Aviation Rules and Advisory Circulars Relevant to this Policy

The Civil Aviation Rules and Advisory Circulars immediately relevant to this policy are:

- (a) Rule Part 12 — Accidents, Incidents and Statistics; and

- (b) Advisory Circulars AC12-1 and AC12-2.

#### **5.4 Scope**

This is a policy that:

- (a) Defines what safety data and information is;
- (b) Defines the principles which guide the way in which safety data and information is managed by the Civil Aviation Authority; and
- (c) Defines the principles which guide decisions about safety data and information that is used by the Civil Aviation Authority.

#### **5.5 What is Safety Data and Information?**

For the purposes of this policy, safety data and information includes data and information:

- (a) recorded by the CAA that has been provided by civil aviation participants in accordance with Civil Aviation Rule (CAR) Part 12;
- (b) that is required to be reported under the Civil Aviation Act 1990;
- (c) provided to the CAA by members of the public by way of complaints;
- (d) recorded by the CAA derived from Aviation Related Concerns (ARC's);
- (e) recorded by the CAA during the course of an audit or inspection process;
- (f) obtained by the CAA during the course of a safety investigation; and
- (g) voluntarily disclosed to the CAA by civil aviation participants (that is, data and information that is not required to be provided to the CAA under CAR Part 12 or other mandatory reporting requirements).

##### **5.5.1 Occupational Health and Safety Data and Information**

In time, data and information associated with the CAA's Occupational Health and Safety functions will be considered safety data and information. However, more policy work is required before including occupational health and safety data and information in the definition of safety data and information.

##### **5.5.2 Security and Medical Data and Information**

Data and information excluded from this policy include medical data about an individual and information pertaining to the CAA's role with respect to aviation security.

##### **5.5.3 Verification of Safety Data and Information**

The CAA will make reasonable attempts to verify the safety data and information supplied to it by way of mandatory reports. However, it is the responsibility of those providing mandatory reports to ensure the data and information contained within the reports is accurate.

The CAA will similarly make reasonable attempts to verify the veracity of data and information provided to it by means other than mandatory reporting systems. These means may include CAA initiated investigations, complaints made by members of the public, or Aviation Related Concerns.

#### **5.6 Legal Protections for Safety Data and Information supplied to, and held by, the CAA**

Data and information supplied to the CAA by requirement of the Civil Aviation Act 1990 or by way of CAR Part 12 reports do not have specific disclosure protections in law. Accordingly, the Civil Aviation Act 1990 affords no specific privilege or protection to data and information that is disclosed to the CAA by aviation participants.

The CAA is subject to the Official Information Act and the Privacy Act. Accordingly, there are statutory controls and requirements provided for in those Acts that apply to the way in which data and information may be disclosed to other people or organisations.

The CAA may also be required to disclose information and data in the course of legal proceedings, consistent with the requirements of governing law.

### **5.7 De-identification of Safety Data and Information**

The CAA will, where it is appropriate, de-identify safety data and information that is disclosed to parties outside of the CAA. The CAA will de-identify data and information where it is necessary or appropriate to protect the identity of the submitter. However, the de-identification of safety data and information can only be done within the limits of governing legislation.

### **5.8 Data and Information Obtained During the Course of a Law Enforcement Investigation**

The purpose of a law enforcement investigation is to investigate whether an offence, under the Civil Aviation Act 1990, has been committed. During the course of a law enforcement investigation, data and information will be collected and used to help the CAA determine whether or not an offence has been committed. This data and information then helps the CAA determine what, if any, action it will take with respect to the nature of the offence that has been committed. Data and information collected during a law enforcement investigation must meet evidential standards of the judicial system.

Guidance about whether a Law Enforcement investigation should be undertaken, and what actions the CAA may decide to take once an investigation is completed, is provided in the CAA's Law Enforcement Policy.

The Director of Civil Aviation will use data and information collected during the course of a law enforcement investigation to determine what, if any, law enforcement action may be taken.

### **5.9 Underlying Principles of this Policy**

The following principles underpin this policy:

- (a) Safety data and information is used by the CAA to identify risks in the civil aviation system, and to enable the CAA to identify or select ways in which to mitigate those risks;
- (b) Safety data and information helps the CAA determine responses to risks in the civil aviation system that are proportionate to the nature of the risk or risks, and in the context of other policies<sup>1</sup>, determine the extent or nature of the CAA's response or responses;
- (c) Safety data and information enable the CAA to determine the extent to which the measures or steps it takes to mitigate civil aviation safety risks have been successful, and enable the CAA to learn how it might change the measures/steps it adopts in order to achieve improvements in safety performance; and
- (d) Safety data and information is to be managed in a way that encourages participants in the civil aviation system to fulfil their mandatory reporting requirements, and to voluntarily disclose other pertinent data and information as is appropriate.

### **5.10 Uses of Safety Data and Information**

Safety data and information will be used to:

- (a) Assess the safety performance of participants in the civil aviation system (e.g., risk profiling of operators);

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<sup>1</sup> For example policies that govern surveillance and law enforcement

- (b) Assess the safety performance of 'logical groups' (e.g., groups of operators, types of aircraft, classes of licence holders, etc) within the civil aviation system;
- (c) Assess the safety performance of the overall civil aviation system;
- (d) Identify trends/risks/issues with respect to specific aspects of the civil aviation system (e.g., recurring aircraft performance issues, safety risks associated types of operation, geographic locations at higher risk of specific incidents, etc);
- (e) Enable the CAA to select the best tool (e.g., safety promotion, etc) to address the safety risk or issue identified through analysis and assessment, and to adjust or make changes to the regulatory processes (e.g., surveillance, safety promotion, etc), including rules to address safety issues or trends;
- (f) Support regulatory decision making;
- (g) Inform advice provided to the Government and Minister;
- (h) Inform the policy and rules development programme;
- (i) Inform the CAA's strategic planning processes; and
- (j) Produce reports on the safety performance of the civil aviation system.

#### **5.11 Management of Safety Data and Information**

All safety data and information (as described in paragraph 5.5 above) will be managed by a single unit within the CAA. That unit will be responsible for:

- (a) The entry of data and information into the CAA's management information systems;
- (b) Application of quality assurance procedures to ensure the accuracy of the data and information;
- (c) Making the data and information accessible to the other units and groups within the CAA, for the purposes outlined in paragraph 5.10 of this policy.

Safety data and information will be managed in accordance with the requirements of the relevant legislation.

#### **5.12 Decision Making Roles**

The process for making certain types of regulatory decisions are set out in the relevant parts of the Civil Aviation Act 1990.

Decisions on law enforcement or administrative actions are made by the Director, based on recommendations made by the relevant operating group General Manager.