

**ESARR ADVISORY MATERIAL/GUIDANCE MATERIAL
(EAM/GUI)**

EAM 2/GUI 2

**ESARR 2 GUIDANCE TO ATM
SAFETY REGULATORS**

**Publication and Confidentiality
Policy**

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Abstract

This EUROCONTROL Publication and Confidentiality Policy has been prepared by the Safety Regulation Commission and the Agency (EATMP/Safety Group).

It is a companion document to the EUROCONTROL Safety Regulatory Requirement "Reporting and Assessment of Safety Occurrences in ATM" (REF. ESARR 2 - Edition 1.0).

This EUROCONTROL confidentiality and publication policy aims at sharing and publishing safety information as well as at addressing confidentiality issues.

The objectives of this policy are threefold:

- Sharing of safety information between ATM service providers;
- Reporting of safety information to ATM regulators; and
- Publication of Safety Information to the public, including those provided to the Performance Review Commission (PRC).

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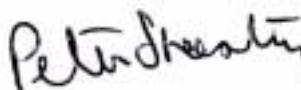
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DOCUMENT APPROVAL

The following table identifies all authorities who have successively approved the present issue of this document.

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DOCUMENT CHANGE RECORD

The following table records the complete history of the successive editions of the present document.

EDITION	DATE	REASON FOR CHANGE	SECTIONS PAGES AFFECTED
0.01	09/04/99	Working Draft from SQS to the EATMP/Safety Group- For review and comments.	Creation
0.02	28/05/99	Working Draft B to SRC and EUROCONTROL-wide consultation. Incorporates SRU modifications to the SQS draft (Results from SRU survey)	All
0.03	04/09/99	Working Draft C developed by the SRC Ad Hoc Group of Commissioners (AGC). Takes into account SRC comments and further legal work.	All
0.04	07/09/99	Working Draft D developed by AGC after further review by SRC Commissioners and SQS. Submitted to SRC and Safety Group.	All
0.05	01/10/99	Working Draft E developed by SQS, incorporating Safety Group comments.	All
0.06	04/10/99	Draft F submitted to the Safety Regulation Commission, after final SQS/SRU editorial review.	All
0.07	08/10/99	Proposed Issue to the Provisional Council. Editorial modification.	Cover sheet
1.0	12/11/99	Released Issue after approval by Provisional Council and Permanent Commission*	All

* It is being understood that no contents changes have been effected to version 0.07. The update to version 1.0 only reflects the approval by the Provisional Council and Permanent Commission.

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EXECUTIVE SUMMARY

This EUROCONTROL Publication and Confidentiality Policy has been prepared by the Safety Regulation Commission and the Agency (EATMP/Safety Group).

It is a companion document to the EUROCONTROL harmonised Safety Regulatory Requirement “Reporting and Assessment of Safety Occurrences in ATM” (REF. ESARR 2 - Edition 1.0).

This EUROCONTROL confidentiality and publication policy aims at sharing and publishing safety information as well as at addressing confidentiality issues.

The objectives of this policy are threefold:

- Sharing of safety information between ATM service providers;
- Reporting of safety information to ATM regulators; and
- Publication of Safety Information to the public, including those provided to the Performance Review Commission (PRC).

This Policy intends to address more specifically three issues related to the confidentiality of the shared safety information, by considering the use of de-identification of information, security access means and legal instruments.

This Policy also specifies the type and level of information that could be released to the Public, in order to demonstrate the levels of safety being achieved in aviation.

The policy is structured to address only ATM service providers and regulators commitments. It will be up to each State to ensure that any other party involved in an exchange of safety information respects equivalent commitments.

PUBLICATION AND CONFIDENTIALITY POLICY- RELEASED ISSUE – EDITION 1.0

Note: This document defines the principles of the publication and confidentiality policy only for ATM service providers, regulators and EUROCONTROL. It will be up to each State to define equivalent principles to cover an exchange of safety information with any other party. This policy should be reviewed after an agreed period in the light of experience gained.

1. PRINCIPLES OF THE POLICY FOR SERVICE PROVIDERS

In order to support proposals for safety improvement and wide lesson dissemination, Service Providers should adopt the following principles:

- Service Providers will share safety information among themselves and with the EUROCONTROL Agency, with details about safety occurrences and related safety recommendations according to the harmonised approach defined by the Safety Group. Safety information will however be shared in a de-identified manner, the de-identification criteria being specified before each exchange of data.

Rationale

The objectives of sharing information at European level are to improve safety by monitoring the safety performances of the current system, to identify key risk areas related to ATM in order to propose safety improvement and to disseminate lesson as widely as practicable.

The safety indicators used to monitor safety performances should include those specified by the Safety Regulation Commission and the Safety Group, as well as those specified to monitor specific aspects of the operations.

- Service Providers will share with the EUROCONTROL Safety Regulation Commission safety information required to monitor the implementation of EUROCONTROL safety regulatory objectives and requirements. Safety information will however be shared in a de-identified manner, the de-identification criteria being specified before each exchange of data.

Rationale

The objectives of sharing information with the SRC is to monitor the safety performances of the current ATM system, to identify key risk areas related to ATM, to assess the effectiveness of the specified safety regulatory objectives and requirements, and to provide assurance to regulators on achieved safety levels.

- Service Providers should protect the confidentiality of the shared safety information.

Rationale

The objective is to ensure that the safety information will be used for safety improvement purpose only and that it will not be disclosed to any other party.

- Subject to the laws applicable in States, Service Providers should endeavour to pursue a non punitive policy in relation to occurrence reporting.

Rationale

The objective is to obtain information that would not be otherwise become known to safety managers. This requires a well perceived non punitive reporting system together with agreed (possibly) investigation processes and trustful confidentiality arrangements.

2. PRINCIPLES OF THE POLICY FOR REGULATORS

Subject to the laws applicable in States, regulators will adopt the following general principles:

- Regulators will not use or publish safety information that enables third parties to compare ATS units, ATS providers or the safety performance being individually achieved by States.

Rationale

The objective is to ensure that the safety information is not used by third parties for comparison purposes.

- Regulators will endeavour to protect the confidentiality of the provided safety information.

Rationale

The objective is to ensure that the safety information is not used for comparison purpose or disclosed to any other party by which it might be subject to misuse.

- Regulators will review with service providers or any party providing safety information, the potential usage of the aggregated safety information by the regulators.

Rationale

The objective is to prevent any misuse (e.g., through statistical analysis) of the information before dissemination.

- Regulators should endeavour, without prejudice to the discharge of their responsibilities with regard to flight safety, to pursue a non punitive policy in relation to occurrence reporting.

Rationale

The objective is to create an environment conducive to an open reporting system (i.e., No blame culture).

- Regulators will agree to share safety indicators, key risk areas and safety recommendations among themselves and with the SRC according to the harmonised safety regulatory requirement on occurrence reporting. Safety information will however be shared in a de-identified and unattributable manner, where the identity of the operator, aircraft registration and names of personnel involved may be deleted from the files.

Rationale

The objective is to enable safety performance monitoring at ECAC level, identification of key risk areas where ATM has the potential to improve safety and assessment of compliance with safety objectives and requirements.

3

PRINCIPLES OF THE POLICY FOR THE EUROCONTROL AGENCY

In order to allow the implementation of the Publication and Confidentiality Policy by Service Providers and Regulators, the EUROCONTROL Agency should adopt the following principles:

- The EUROCONTROL Agency will preserve the confidentiality of the provided safety information.

Rationale

The objective is to ensure that the safety information is not disclosed to any other party by which it might be subject to misuse.

- The EUROCONTROL Agency will not publish safety information that enables third parties to compare ATS units, ATS providers or the safety performance being individually achieved by States.

Rationale

The objective is to ensure that the safety information is not used by third parties for comparison purposes.

- In publishing safety information, the EUROCONTROL Agency will ensure the confidentiality of this information in accordance with the prior agreements with the safety data providers.

Rationale

The objective is to maintain the agreed levels of confidentiality whilst enabling safety performance monitoring at ECAC level, identification of key risk areas where ATM has the potential to improve safety and assessment of compliance with safety objectives.

- The EUROCONTROL Agency will put in place the required procedures and practical arrangements so as to comply with the commitments as described above.

Rationale

Complying with the agreed commitments requires from EUROCONTROL to define, implement and manage a system which has restricted access and which is protected from undesirable interference.

4. PUBLICATION OF SAFETY INFORMATION

Safety information to be published to third parties or to the public can be classified into two categories:

- Those national data being published by the State itself: the publication policy is bound to existing national legislation or rules and custom and practice;
- That safety information being shared or reported: the publication policy is to be, but not restricted to, consistent with the PRC safety performance measurement framework. Other types of information may be published, which shall be specified and agreed on a case by case basis.

The PRC safety indicators for the ECAC area are defined to three different levels of severity/risk¹:

- The total number of accidents², and its categorisation per phase of flight;
- The actual ratio of ATM contribution³ to aircraft accidents;
- The total number of serious incidents⁴ and its breakdown per phase of flight;
- The actual ratio of ATM contribution to aircraft serious incidents;

¹ Accident, serious incident and other incidents

² Defined as per ICAO Annex 13

³ ATM direct and indirect causes

⁴ Defined as per ICAO Annex 13

- The total number of other incidents (i.e., incidents affecting the safety of operations or incidents having the potential to be an accident or a serious incident, such as clearance infringements, if the risk can not be managed within safety margins, or if another aircraft is in the vicinity) and its breakdown per phase of flight.
- The actual ratio of ATM contribution to other types of aircraft incidents.

Each of these occurrences may be further classified into types of occurrences (e.g. Level bust, Controlled Flight Into Terrain Incident, Runway Incursion).

Further safety performance measurement may include to collect data about occurrences as triggered and collected in a systematic manner by standardised automatic monitoring systems (e.g., Safety nets, STCA, ACAS, GPWS, MSAW) with related data retrieval).

Taking into account the Safety objective as stated in the ATM2000+ Strategy:

“To improve safety levels by ensuring that the number of ATM induced accidents and serious or risk bearing incidents do not increase and where possible decrease”, the performance will be assessed at ECAC level in absolute figures.

This will ensure that the objective of not exceeding a fixed number of risk-bearing incidents and/or accidents is achieved as traffic grows.

In addition, the absolute traffic volume will be provided so that relative safety indicators and trends⁵ **over time** can also be identified, with regard to actual traffic increases. The relative safety indicators will be expressed in terms of “per 100 000 movements”, the air-air types of occurrences being also expressed in terms of “per 100 000 flying hours”.

The evolution of the safety indicators over time may indeed be published so that trend over time can be assessed. **However, during the first years, a rise should be explained by an increased reporting level.**

A measure of aircraft operators’ perception of safety could also be useful to compare with the hard measures above. This could be collected by means of a customer service questionnaire issued to aircraft operators, perhaps annually, to monitor the performance of some of the more qualitative indicators for which numerical data do not exist. Such soft measures are useful because they allow comparison between what the hard measures are indicating and what the users perceive about certain aspects of the ATM system performance.

⁵ In order to encourage safety reporting, no geographical comparison between States shall be allowed and only ECAC aggregated data will be made available to the PRC

The proposed indicator is:

Aircraft operators' perception of the safety of the ATM system

Although assessing the perception of safety can prove to be very useful, a great deal of care needs to be taken in the interpretation of the data gathered. For example, a survey carried out shortly after an accident might show a degraded perception of safety, affected by the recent event.

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