

SIERRA LEONE CIVIL AVIATION REGULATIONS



PART 19 – SAFETY MANAGEMENT

DECEMBER 2022

PREAMBLE

WHEREAS, The Director-General shall have power to perform such acts, -including the conduct of investigations, to issue and amend orders, rules, regulations and procedures pursuant to and in accordance with the Civil Aviation Act, 2019.

WHEREAS, the Director- General shall have power to publish all reports, orders, decisions, rules, and regulations issued under Civil Aviation Act, 2019 in such form and manner as may be best adapted for public information and use;

NOW THEREBY, The Director General under its powers given by Article 17(1) and 17(2)(a) of the Civil Aviation Act, 2019 issue the following regulations which supersedes previous regulations on Safety Management

1. SHORT TITLE

This regulation may be cited as Sierra Leone Civil Aviation Regulation “SLCAR Part19 - Safety Management”

2. EFFECTIVE DATE

This Regulation shall come into force as of the 21st day of December 2022.



Dr Moses Tiffa Baió
Director General

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GENERAL

In transposing ICAO Annex 19 to develop these regulations, the Second Edition including Amendment 1 has been considered.

DEFINITIONS AND ABBREVIATIONS

1.1 DENINITIONS

When the following terms are used in this regulation for Safety Management, they have the following meanings:

Accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- a) a person is fatally or seriously injured as a result of:
 - being in the aircraft, or
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - direct exposure to jet blast,except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- b) the aircraft sustains damage or structural failure which:
 - adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- c) the aircraft is missing or is completely inaccessible.

Aeroplane. A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Hazard. A condition or an object with the potential to cause or contribute to an aircraft incident or accident.

Helicopter. A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes.

Incident. An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

Industry codes of practice. Guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organization's Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate.

Operational personnel. Personnel involved in aviation activities who are in a position to report safety information.

Safety. The State in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level.

Safety data. A defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety.

Safety information. Safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes.

Safety management system (SMS). A systematic approach to managing safety, including the necessary organizational structures, accountability, responsibilities, policies and procedures.

Safety oversight. A function performed by a State to ensure that individuals and organizations performing an aviation activity comply with safety-related national laws and regulations.

Safety performance. A State or a service provider's safety achievement as defined by its safety performance targets and safety performance indicators.

Safety performance indicator. A data-based parameter used for monitoring and assessing safety performance.

Safety performance target. The State or service provider's planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives.

Safety risk. The predicted probability and severity of the consequences or outcomes of a hazard.

Serious injury. An injury which is sustained by a person in an accident and which:

- a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- d) involves injury to any internal organ; or
- e) involves second- or third-degree burns, or any burns affecting more than 5 per cent of the body surface; or
- f) involves verified exposure to infectious substances or injurious radiation.

State of Design. The State having jurisdiction over the organization responsible for the type design.

State of Manufacture. The State having jurisdiction over the organization responsible for the final assembly of the aircraft.

State of the Operator. The State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence.

State safety programme (SSP). An integrated set of regulations and activities aimed at improving safety.

Surveillance. The State activities through which the State proactively verifies through inspections and audits that aviation licence, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.

The State. The Republic of Sierra Leone.

1.2 ABBREVIATIONS

ADREP	Accident/incident data reporting
ATS	Air traffic services
CVR	Cockpit voice recorder
RAIO	Regional Accident and Incident Investigation Organization
RSOO	Regional Safety Oversight Organization
SARPS	Standards and Recommended Practices
SDCPS	Safety data collection and processing systems
SLCAA	Sierra Leone Civil Aviation Authority
SMM	Safety management manual
SMP	Safety management panel
SMS	Safety management system
SSO	State safety oversight
SSP	State safety programme
SLAAIB	Sierra Leone Aircraft Accident Investigation Bureau
SLCAA	Sierra Leone Civil Aviation Authority
MTA	Ministry of Transport and Aviation
SLCAR	Sierra Leone Civil Aviation Regulation

2. APPLICABILITY

This Regulation shall be applicable to safety management functions related to, or in direct support of, the safe operation of aircraft.

3. STATE SAFETY MANAGEMENT RESPONSIBILITIES

3.1 State safety programme (SSP)

The State shall establish and maintain an SSP that is commensurate with the size and complexity of its civil aviation system, but may delegate safety management-related

functions and activities to another State, Regional Safety Oversight Organization (RSOO) or Regional Accident and Incident Investigation Organization (RAIO).

3.2 State safety policy, objectives and resources

3.2.1 Primary aviation legislation

3.2.1.1 The State shall establish primary aviation legislation in accordance with section 1 of IS 3.

3.2.1.2 The State shall establish an enforcement policy that specifies the conditions and circumstances under which service providers with an SMS are allowed to deal with, and resolve, events involving certain safety issues, internally, within the context of their SMS and to the satisfaction of the SLCAA.

3.2.2 Specific operating regulations

3.2.2.1 The State shall establish specific operating regulations in accordance with section 2 of IS 3.

3.2.2.2 The state shall periodically review specific operating regulations, guidance material and implementation policies to ensure they remain relevant and appropriate.

3.2.3 State system and functions

3.2.3.1 The State shall establish State system and functions in accordance with section 3 of IS 3.

3.2.3.2 The State shall identify, define and document the requirements, obligations, functions and activities regarding the establishment and maintenance of the SSP, including the directives to plan, organize, develop, maintain, control and continuously improve the SSP in a manner that meets the safety objectives.

3.2.3.3 The State shall establish a safety policy and safety objectives that reflect its commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.

3.2.3.4 The safety policy and safety objectives shall be published and periodically reviewed to ensure that they remain relevant and appropriate to the State.

3.2.4 Qualified technical personnel

The State shall establish requirements for the qualification of technical personnel in accordance with section 4 of IS 3.

3.2.5 Technical guidance, tools and provision of safety-critical information

The State shall establish technical guidance and tools and provide safety-critical information in accordance with section 5 of IS 3.

3.3 State safety risk management

3.3.1 Licensing, certification, authorization and approval obligations

The State shall meet the licensing, certification, authorization and approval obligations in accordance with section 6 of IS 3.

3.3.2 Safety management system obligations

3.3.2.1 The SLCAA shall require that the following service providers under their authority implement an SMS:

- a) approved training organizations in accordance with Annex 1 that are exposed to safety risks related to aircraft operations during the provision of their services;
- b) operators of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with SLCAR Part 6A or Part 6B;
- c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with SLCAR Part 6A or Part 6B;
- d) organizations responsible for the type design or manufacture of aircraft, engines or propellers in accordance with SLCAR Part 8;
- e) air traffic services (ATS) providers in accordance with SLCAR Part 11; and
- f) operators of certified aerodromes in accordance with SLCAR Part 14A.

3.3.2.2 The SLCAA shall ensure that safety performance indicators and targets established by service providers and operators are acceptable.

3.3.2.3 All international general aviation operators of large or turbojet aeroplanes in accordance with Annex 6, Part II, Section 3, shall comply with the criteria established by SLCAA to implement an SMS.

3.3.2.4 Such criteria established by the SLCAA in accordance with 3.3.2.3 shall be implemented by all international general aviation operators to address the SMS framework and elements contained in IS 4.1.1.

3.3.3 Accident and incident investigation

In support of the management of safety in Sierra Leone any accident and incident shall be investigated as part of independent accident investigation, following an established procedure in accordance with SLCAR Part 13.

3.3.4 Hazard identification and safety risk assessment

3.3.4.1 The SLCAA shall establish and maintain a process to identify hazards from collected safety data.

3.3.4.2 The SLCAA shall develop and maintain a process that ensures the assessment of safety risks associated with identified hazards.

3.3.5 Management of safety risks

3.3.5.1 The SLCAA shall establish mechanisms for the resolution of safety issues in accordance with section 8 in IS 3.

3.3.5.2 The SLCAA shall develop and maintain a process to manage safety risks.

3.4 State safety assurance

3.4.1 Surveillance obligations

3.4.1.1 The SLCAA shall meet its surveillance obligations in accordance with section 7 of IS 3.

3.4.1.2 The SLCAA shall establish procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need.

3.4.1.3 The SLCAA shall periodically review the safety performance of individual service providers.

3.4.2 State safety performance

3.4.2.1 The SLCAA shall establish the acceptable level of safety performance to be achieved through the SSP.

3.4.2.2 The SLCAA shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.

3.4.2.3 The State shall evaluate the effectiveness of its SSPs to maintain or continuously improve its overall level of safety performance.

3.5 State safety promotion

3.5.1 Internal communication and dissemination of safety information

The SLCAA shall promote safety awareness and the sharing and exchange of safety information to support, within the State aviation organizations, the development of a positive safety culture that fosters an effective SSP.

3.5.2 External communication and dissemination of safety information

The SLCAA shall promote safety awareness and the sharing and exchange of safety information with the aviation community to foster the maintenance and improvement of safety and to support the development of a positive safety culture.

4. SAFETY MANAGEMENT SYSTEM (SMS)

4.1 General

4.1.1 The SMS of a service provider shall:

- a) be established in accordance with the framework elements contained in IS 4.1.1; and
- b) be commensurate with the size of the service provider and the complexity of its aviation products or services.

4.1.2 The SLCAA shall ensure that the service provider develops a plan to facilitate SMS implementation.

4.1.3 The SMS of an approved training organization, in accordance with SLCAR Part 1B, that is exposed to safety risks related to aircraft operations during the provision of its services shall be made acceptable to the SLCAA.

4.1.4 The SMS of a certified operator of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with SLCAR 6A, or Part 6C, shall be made acceptable to the SLCAA.

4.1.5 The SMS of an approved maintenance organization providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with SLCAR Part 6A, or Part 6C, shall be made acceptable to the SLCAA.

4.1.6 The SMS of an organization responsible for the type design of aircraft, engines or propellers, in accordance with SLCAR Part 8, shall be made acceptable to the SLCAA.

4.1.7 The SMS of an organization responsible for the manufacture of aircraft, engines or propellers, in accordance with SLCAR Part 8, shall be made acceptable to the SLCAA.

4.1.8 The SMS of an ATS provider, in accordance with SLCAR Part 11, shall be made acceptable to the SLCAA.

4.1.9 The SMS of an operator of a certified aerodrome, in accordance with SLCAR Part 14A, shall be made acceptable to the SLCAA.

4.1.20 The SMS of any other aviation operator or service provider in accordance with SLCARs, shall be made acceptable to the SLCAA.

4.2 International general aviation — aeroplanes

The SMS of an international general aviation operator, conducting operations of large or turbojet aeroplanes in accordance with SLCAR Part 6A, shall be commensurate with the size and complexity of its operation and meet the criteria established by the SLCAA.

5. SAFETY DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE

5.1 Safety data collection and processing systems

5.1.1 Safety data collection and processing systems (SDCPS) shall be established to capture, store, aggregate and enable the analysis of safety data and safety information.

5.1.2 Service Providers shall report incidents to the SLCAA under the mandatory safety reporting system.

5.1.3 Service Providers shall report to the SLCAA as part of the Voluntary Safety Reporting System in order to enable it collect safety data and safety information not captured by Mandatory Safety Reporting Systems.

5.1.4 The SLCAA, SLAAIB and the MTA which are responsible for the implementation of the SSP shall have access to the SDCPS, which the SLCAA will be the custodian of, as referenced in 5.1.1 to support its safety responsibilities, in accordance with the principles in IS 5.3.

5.1.5 The safety database shall use standardized taxonomy to facilitate safety information sharing and exchange.

5.2 Safety data and safety information analysis

5.2.1 The SLCAA shall establish and maintain a process to analyse the safety data and safety information from the SDCPS and associated safety databases.

5.3 Safety data and safety information protection

5.3.1 The SLCAA shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources in accordance with IS 5.3.

5.3.2 The SLCAA shall extend the protection referred to in 5.3.1 to safety data captured by, and safety information derived from, mandatory safety reporting system and related sources.

- 5.3.3 Subject to 5.3.1 and 5.3.2, the SLCAA shall not make available or use safety data or safety information collected, stored or analysed in accordance with 5.1 or 5.2 for purposes other than maintaining or improving safety, unless a competent authority determines, in accordance with IS 5.3, that a principle of exception applies.
- 5.3.4 Notwithstanding 5.3.3, The SLCAA shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.
- 5.3.5 The SLCAA shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in 5.1.2 and 5.1.3.
- 5.3.6 The SLCAA shall facilitate and promote safety reporting by adjusting the applicable laws through the MTA, regulations and policies, as necessary.
- 5.3.7 In support of the determination referred to in 5.3.3, the SLCAA shall institute and make use of appropriate advance arrangements between the safety oversight authorities and other State bodies entrusted with aviation safety and those entrusted with the administration of justice. Such arrangements shall take into account the principles specified in IS 5.3.

5.4 Safety information sharing and exchange

- 5.4.1 If the SLCAA, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, it shall forward such safety information to them as soon as possible. Prior to sharing such information, the State shall agree on the level of protection and conditions on which safety information will be shared. The level of protection and conditions shall be in line with IS 5.3.
- 5.4.2 The SLCAA shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and facilitate the sharing and exchange of safety information, unless the laws of Sierra Leone provide otherwise.

IMPLEMENTING STANDARDS (IS)

IS 3. STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)

1. Primary aviation legislation (CE-1)

- 1.1 There shall be a comprehensive and effective aviation law, consistent with the size and complexity of Sierra Leone's aviation activity and with the requirements contained in the Convention on International Civil Aviation.
- 1.2 The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations, facilities, personnel and associated records, as applicable, of individuals and organizations performing an aviation activity.

2. Specific operating regulations (CE-2)

There shall be regulations to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

3. State system and functions (CE-3)

- 3.1 There shall be relevant authorities or agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.
- 3.2 The State authorities and agencies shall have stated safety functions and objectives to fulfil their safety management responsibility.
- 3.3 Necessary measures shall be taken, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.
- 3.4 Personnel performing safety oversight functions shall be provided with guidance that addresses ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of official duties.
- 3.5 There shall be a methodology to determine staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities.

4. Qualified technical personnel (CE-4)

4.1 The minimum qualification requirements for the technical personnel performing safety-related functions of the safety oversight authorities shall establish and provision for appropriate initial and recurrent training to maintain and enhance their competence at the desired level shall be made.

4.2 The system for the maintenance of training records for technical personnel shall be implemented.

5. Technical guidance, tools and provision of safety-critical information (CE-5)

5.1 There shall be appropriate facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform their safety oversight functions effectively and in accordance with established procedures in a standardized manner.

5.2 Technical guidance shall be provided to the aviation industry on the implementation of relevant regulations.

6. Licensing, certification, authorization and approval obligations (CE-6)

There shall be documented processes and procedures to ensure that individuals and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

Documented surveillance processes shall be implemented, by defining and planning inspections, audits and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and approval holders continue to meet the established requirements. This includes the surveillance of personnel designated by the Authority to perform safety oversight functions on its behalf.

8. Resolution of safety issues (CE-8)

8.1 A documented process shall be used to take appropriate actions, up to and including enforcement measures, to resolve identified safety issues.

8.2 Identified safety issues shall be resolved in a timely manner through a system which monitors and records progress, including actions taken by individuals and organizations performing an aviation activity in resolving such issues.

IS 4.1.1. FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)

This implementing standard specifies the framework for the implementation and maintenance of an SMS. The framework comprises four components and twelve elements as the minimum requirements for SMS implementation:

1. Safety policy and objectives
 - 1.1 Management commitment
 - 1.2 Safety accountability and responsibilities
 - 1.3 Appointment of key safety personnel
 - 1.4 Coordination of emergency response planning
 - 1.5 SMS documentation
 2. Safety risk management
 - 2.1 Hazard identification
 - 2.2 Safety risk assessment and mitigation
 3. Safety assurance
 - 3.1 Safety performance monitoring and measurement
 - 3.2 The management of change
 - 3.3 Continuous improvement of the SMS
 4. Safety promotion
 - 4.1 Training and education
 - 4.2 Safety communication
- 1. Safety policy and objectives**

1.1 Management commitment

1.1.1 The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall:

- a) reflect organizational commitment regarding safety, including the promotion of a positive safety culture;
- b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
- c) include safety reporting procedures;
- d) clearly indicate which types of behaviours are unacceptable related to the service provider's aviation activities and include the circumstances under which disciplinary action would not apply;
- e) be signed by the accountable executive of the organization;
- f) be communicated, with visible endorsement, throughout the organization; and
- g) be periodically reviewed to ensure it remains relevant and appropriate to the service provider.

1.1.2 Taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall:

- a) form the basis for safety performance monitoring and measurement as required by 3.1.2;
- b) reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the SMS;
- c) be communicated throughout the organization; and
- d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

1.2 Safety accountability and responsibilities

The service provider shall:

- a) identify the accountable executive who, irrespective of other functions, is accountable on behalf of the organization for the implementation and maintenance of an effective SMS;
- b) clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management;

- c) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organization;
- d) document and communicate safety accountability, responsibilities and authorities throughout the organization; and
- e) define the levels of management with authority to make decisions regarding safety risk tolerability.

1.3 Appointment of key safety personnel

The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS.

1.4 Coordination of emergency response planning

The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products and services.

1.5 SMS documentation

1.5.1 The service provider shall develop and maintain an SMS manual that describes its:

- a) safety policy and objectives;
- b) SMS requirements;
- c) SMS processes and procedures; and
- d) accountability, responsibilities and authorities for SMS processes and procedures.

1.5.2 The service provider shall develop and maintain SMS operational records as part of its SMS documentation.

2. Safety risk management

2.1 Hazard identification

2.1.1 The service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.

2.1.2 Hazard identification shall be based on a combination of reactive and proactive methods.

2.2 Safety risk assessment and mitigation

The service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards.

3. Safety assurance

3.1 Safety performance monitoring and measurement

3.1.1 The service provider shall develop and maintain the means to verify the safety performance of the organization and to validate the effectiveness of safety risk controls.

3.1.2 The service provider's safety performance shall be verified in reference to the safety performance indicators and safety performance targets of the SMS in support of the organization's safety objectives.

3.2 The management of change

The service provider shall develop and maintain a process to identify changes which may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

3.3 Continuous improvement of the SMS

The service provider shall monitor and assess its SMS processes to maintain or continuously improve the overall effectiveness of the SMS.

4. Safety promotion

4.1 Training and education

4.1.1 The service provider shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their SMS duties.

4.1.2 The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.

4.2 Safety communication

The service provider shall develop and maintain a formal means for safety communication that:

- a) ensures personnel are aware of the SMS to a degree commensurate with their positions;
- b) conveys safety-critical information;
- c) explains why particular actions are taken to improve safety; and
- d) explains why safety procedures are introduced or changed.

IS 5.3 PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES

1. General principles

- 1.1 The SLCAA shall, through national laws, regulations and policies protecting safety data, safety information and related sources, ensure that:
- a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;
 - b) safety data, safety information and related sources are protected in accordance with this standard;
 - c) the conditions under which safety data, safety information and related sources qualify for protection are specified; and
 - d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.
- 1.2 When an investigation under SLCAR Part 13 has been instituted, accident and incident investigation records listed in SLCAR Part 13 shall be subject to the protections accorded therein instead of the protections accorded by this Regulation.

2. Principles of protection

- 2.1 The SLCAA shall ensure that safety data or safety information is not used for:
- a) disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organizations;
 - b) disclosure to the public; or
 - c) any purposes other than maintaining or improving safety; unless a principle of exception applies.
- 2.2 The SLCAA shall accord protection to safety data, safety information and related sources by ensuring that:
- a) the protection is specified based on the nature of safety data and safety information;
 - b) a formal procedure to provide protection to safety data, safety information and related sources is established;

- c) safety data and safety information will not be used in a way different from the purposes for which they were collected, unless a principle of exception applies; and
- d) to the extent that a principle of exception applies, the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings will be carried out only under authoritative safeguards.

3. Principles of exception

Exceptions to the protection of safety data, safety information and related sources shall only be granted when the SLCAA:

- a) determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with national laws, to be conduct constituting gross negligence, wilful misconduct or criminal activity;
- b) after reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweigh the adverse domestic and international impact such 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, determines 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 release is likely to have on the future collection and availability of safety data and safety information.

4. Public disclosure

4.1 The State shall, in the context of requests made for public disclosure, create exceptions from public disclosure to ensure the continued confidentiality of voluntarily supplied safety data and safety information.

4.2 Where disclosure is made in accordance with section 3, the State shall ensure that:

- a) public disclosure of relevant personal information included in 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 de-identified, summarized or aggregate form.

5. Responsibility of the custodian of safety data and safety information

The SLCAA shall ensure that each SDCPS has a designated custodian to apply the protection to safety data and safety information in accordance with applicable provisions of this IS.

6. Protection of recorded data

- 6.1 The SLCAA shall, through national laws and regulations, provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.
- 6.2 The SLCAA shall, through national laws and regulations, treat ambient workplace recordings required by national laws and regulations as privileged protected data subject to the principles of protection and exception as provided for in this IS.