

Protection of All Cockpit Recordings

BACKGROUND

Although ICAO Annex 13 para. 5.12 has clear provisions for the protection of "cockpit voice recordings, airborne image recordings and any transcripts from such recordings", there are no ICAO definitions of "cockpit voice recordings" and "airborne image recordings", which leaves it to the States to decide which recordings should fall under these provisions and which should not.

This has, in turn, led to major differences across the world regarding what types of cockpit recordings are protected. Some States have determined that that protection should be applied to all cockpit recordings, regardless of the device on which they were recorded. For most States, the "recordings" mentioned in Annex 13 are considered to be those made by installed equipment such as CVRs and AIRs (both being defined in ICAO Doc 9756, Manual of Aircraft Accident and Incident Investigation).

This pre-Internet and pre-mobile devices understanding of "cockpit recordings" has become obsolete, and technological development now enables recordings to be made within a cockpit by devices that have not been installed for the purpose of complementing accident/incident investigation.

Such devices may include portable cameras, mobile phones, tablets, and computers, either owned by the aircraft operator or by individuals (pilots or any other person granted access to the cockpit). Many are built to very high resistance specifications and can even survive a high-energy impact such as an aircraft accident. They could therefore provide very useful information to accident investigators.

However, there is currently no international Standard for the protection of recordings made in the cockpit by these mobile devices. ICAO Annex 13 includes only a recommendation (para. 5.12.1); "*States should determine whether any other records obtained or generated by the accident investigation authority, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in 5.12.*"

POSITION

The protection of cockpit recordings afforded by the provisions of ICAO Annex 13 is ambiguous and does not clearly encapsulate recordings captured by devices such as individual cameras or mobile phones, which could therefore be released to the public and/or used without restriction, for any purpose.

IFALPA therefore believes that, in the context of ICAO Annex 13, the terms "cockpit voice recordings" and "airborne image recordings" should be interpreted as having their natural meaning, i.e., any recording made in the cockpit, irrespective of how it is produced, and not only recordings made by systems or devices fitted to complement accident/incident investigation.

To achieve this, the Federation calls for a new definition to be included in Annex 13, reading as follows:

Cockpit audio/image recording: An audio/image recording made of an aircraft cockpit and/or its occupants by any device.

Furthermore, it is recognised that there is an increasing source of data from multiple sources. IFALPA therefore believes that, in the context of ICAO Annex 13, a new definition of "Cockpit recording" should be introduced, reading as follows:

Cockpit recording: Any type of recording made of an aircraft cockpit and/or its occupants by any device.