



# OPERATIONAL DIRECTIVE

**Number: OD- 2019/16**

**Issue: 1**

**27 November 2019**

## **Safe Custody, Preservation, Production and Use of Flight Recorder Data**

**This Operational Directive contains requirements that are intended for mandatory compliance.**

Recipients are asked to ensure that this Operational Directive is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

### **1. Reason and Explanation**

- 1.1. ICAO Annex 6 Chapter 11 requires that an operator ensures, to the extent possible, in the event the aeroplane becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders, and their retention in safe custody pending their disposition as determined in accordance with Annex 13.
- 1.2. ICAO Annex 13, Chapter 13 states that 'safe custody' shall include protection against further damage, access by unauthorized persons, pilfering and deterioration with emphasis on the fact that protection of flight recorder evidence requires that the recovery and handling of the recorder and its recordings be assigned only to qualified personnel.
- 1.3. Additionally, ICAO Annex 13, Chapter 13 requires the State of Occurrence take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such period as may be necessary for the purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost, or destroyed and allows States of Registry, Operator, Design and Manufacture to request that the State of Occurrence ensures the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State.
- 1.4. Though EASA CAT.GEN.MPA.195 addresses the handling of flight recorder recordings, that is, its preservation, production, protection and use it does not fully prescribe the requirements of both ICAO Annex 6 for flight data recorders and Annex 13 actions immediately following an accident or serious incident.
- 1.5. The purpose of this Safety Directive is to ensure that the operator has an adequately documented system (procedure and process) in place to ensure the implementation of the requirements of ICAO Annex 6 and 13.

- 1.6. The contents and requirement of this Operational Directive was previously issued by Safety Directive SD 2018/09 issued 18<sup>th</sup> April 2018.

## **2. Operational Directive and Applicability**

- 2.1. The Authority, in exercise of its powers under regulation 85 of the Civil Aviation (Safety) Regulations 2017, directs the operator ('a specified operator') of any aircraft which is:
  - 2.1.1. registered in the Seychelles; and
  - 2.1.2. conducting Commercial Air Transport operations:
  - 2.1.3. to comply with the requirements set out in this directive.

## **3. Requirement: Documented System for the Safe Custody, Preservation, Production and Use of Flight Recorder Data**

- 3.1. Operators shall include in their Operation Manual flight crew procedures for the operation of flight recorders and preservation of flight recorder records. These procedures shall include instructions that flight recorders shall:
  - 3.2. Not be switched off during flight time;
  - 3.3. Be deactivated upon completion of flight time following an accident or incident; and
  - 3.4. Not be reactivated before their disposition as determined in accordance with Annex 13.

*Note 1. — The need for removal of the flight recorder records from the aircraft will be determined by the investigation authority in the State conducting the investigation with due regard to the seriousness of an occurrence and the circumstances, including the impact on the operation.*

- 3.5. Additionally, the operators' management system documentation should include procedures for the operator to coordinate with its certifying authority to ensure that as State of Registry or Operator, if it is required the request is made to the State of Occurrence to ensure the preservation and protection of the aircraft, its contents, and any other evidence as required by ICAO Annex 13.
- 3.6. The operator's management system documentation shall also include designated department and personnel responsible for the coordination and description of specific duties and responsibilities in order to ensure the initiation of the coordination following an accident or serious incident.

## **4. Queries**

- 4.1. Any queries as a result of this Operational Directive should be addressed to Head of Flight Operations and Flight Crew Licensing Inspectorate at the following e-mail address: [hfo@scaa.sc](mailto:hfo@scaa.sc)

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**5. Revocation and Commencement**

- 5.1. This Operational Directive comes into force 27<sup>th</sup> May 2019 and will remain in force until revoked by the Authority.

Head Flight Operations and Flight Crew Licensing Inspectorate