

in order to encourage people to provide the information to the Federal Aviation Administration (FAA). The FAA must first find that the information should be protected in accordance with 49 U.S.C. section 40123. The FAA's rules for implementing section 40123 are in 14 CFR part 193. If the Administrator issues an order designating information as protected under section 40123, that information will not be disclosed under the Freedom of Information Act (5 U.S.C. section 552) or other laws, except as provided in section 40123, part 193, and the order that designates the information as protected. This FAA order for FOQA is issued under part 193, section 193.11, which sets out the notice procedure for designating information as protected.

A notice of proposed order designating FOQA information as protected from disclosure was published in 67 FR 56770 on September 5, 2002. In response to the notice, comments were received by the FAA. Appendix 1 of Order 8000.81 summarizes those comments and provides the FAA's responses thereto. A summary of changes made to the proposed order is provided in Appendix 2 of Order 8000.81.

Applicability

Order 8000.81 is applicable to any FAA office that receives information covered under this designation from a FOQA program. The order is also applicable to any other government agency that receives such information from the FAA. In order for any other government agency to receive FOQA information protected from disclosure under this designation from the FAA, an agency must first stipulate, in writing, that it will abide by the provisions of part 193 and this order.

Summary of the FOQA Voluntary Information-Sharing Program

A. *Who may participate?* Aircraft operators that have an FAA-approved FOQA Implementation and Operations Plan may participate.

B. *What voluntarily provided information would be protected from disclosure under this proposed designation?*

1. FOQA data, which is defined as any digital flight data that has been collected from an individual aircraft pursuant to an FAA-approved FOQA program, regardless of the electronic format of that data.

Note: Operators are not expected or required to provide the FAA with FOQA data as a condition for approval of a FOQA Implementation and Operations Plan. However, if an operator elects to voluntarily

provide such information to the FAA on its own initiative, it will be protected from disclosure under this order of designation.

2. The identities of pilots provided to the FAA who are associated with any FOQA data submitted to the FAA.

Note: The FAA does not anticipate that FOQA data containing pilot identity information, or information that could be employed to enable the determination of pilot identity, will be submitted to the agency. However, if such information is submitted to the agency, it will be protected from disclosure under this order of designation.

3. Aggregate FOQA data from an individual operator, which is defined as summary statistical indices based on analysis of FOQA data from multiple aircraft operations, when such data is provided pursuant to an FAA-approved FOQA program.

4. Reports prepared by an individual operator that are based on analysis of the individual operator's FOQA data or aggregate data pursuant to an FAA-approved FOQA program. (Before release of any such reports prepared by the FAA, information protected from disclosure under this order will be redacted.)

5. The identity of an individual operator associated with specific FOQA data, specific aggregate FOQA data, or a specific report derived from analysis of the individual operator's FOQA data, pursuant to an FAA-approved FOQA program.

6. The specific results of any FAA analysis of FOQA data or FOQA aggregate data from an individual operator or multiple operators, when such data has been provided pursuant to an FAA-approved FOQA program and the release of the specific results would constitute the release of FOQA data or aggregate data protected from disclosure under this order.

7. The specific corrective actions reported to the FAA that are initiated by the operator of an FAA-approved FOQA program to correct an adverse safety trend revealed by analysis of that operator's FOQA data.

8. A data base of aggregate FOQA data collected over time from an individual operator's approved FOQA program.

9. A data base of events, outcomes, and reports prepared by an individual operator collected over time from its approved FOQA program.

Note: The type of information or circumstances in which the information listed above would not be protected from disclosure is discussed in paragraph 6(e)(2) of Order 8000.18 [and under Findings, paragraph E.2 of this notice].

C. *How do you participate?* An operator participates by obtaining FAA approval of its FOQA Implementation and Operations Plan, adhering to that approved plan, and voluntarily sharing FOQA data, aggregate FOQA data, or other FOQA information as specified in this order with the FAA.

D. *What is the duration of this information-sharing program?* This information-sharing program continues until the operator terminates its FOQA Implementation and Operations Plan or until the FAA withdraws the approval of the operator's FOQA Implementation and Operations Plan.

Findings

The FAA designates information received from an approved FOQA program as protected under 49 U.S.C. section 40123 and 14 CFR part 193, § 193.7, based on the following findings:

A. *Summary of why the FAA finds that the information will be provided voluntarily.* The FAA finds that the information will be provided voluntarily. No operator is required to have a FOQA program. No operator that has a FOQA program is required to obtain FAA approval of that program. Any operator that has an FAA-approved FOQA program may terminate that program at the operator's discretion. The FAA anticipates that information from an operator's approved FOQA program will be shared with the FAA, because the voluntary establishment of an approved FOQA program constitutes a partnership between the FAA and operator in the interest of achieving joint goals for the improvement of safety and efficiency.

B. *Description of the type of information that may be voluntarily provided under the program, and a summary of why the FAA finds that the information is safety or security related.*

1. The FAA anticipates that the types of information that may be voluntarily provided under the program will be:

(a) Summary statistical indices based on analysis of an individual operator's FOQA data

(b) Graphical depictions of trend information obtained from analysis of an individual operator's FOQA data

(c) Written findings that describe the results of FOQA data analysis and identify any adverse safety trends revealed by that data

(d) Corrective actions planned, in process, or completed to correct adverse safety trends revealed by FOQA data

(e) The results of FOQA analysis conducted to determine the effectiveness over time of corrective action accomplished by the operator