
GACAR PART 193 – PROTECTION OF SUBMITTED SAFETY DATA AND SAFETY
INFORMATION

TABLE OF CONTENTS

GACAR PART 193 - PROTECTION OF SUBMITTED SAFETY DATA AND SAFETY
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SUBPART A

§ 193.1 Applicability.	2
§ 193.3 Withholding Data or Information From Disclosure.	2
§ 193.5 Disclosure of Protected Data or Information.	2

GACAR PART 193 – PROTECTION OF SUBMITTED SAFETY DATA AND SAFETY INFORMATION

SUBPART A

§ 193.1 Applicability.

(a) This part prescribes when and how the President protects from disclosure safety data and safety information submitted by persons to the President.

(b) This part also prescribes when and how the President discloses safety data and safety information designated as protected under this part.

§ 193.3 Withholding Data or Information From Disclosure.

(a) The President may determine that submitted safety data or safety information is protected from disclosure if—

- (1) The disclosure of the safety data or safety information may inhibit the voluntary provision of information from other persons;
- (2) The person submitting safety data or safety information has a Safety Management System under GACA Regulation (GACAR) Part 5 developed and implemented in a manner acceptable to the President;
- (3) The person submitting safety data or safety information is a natural person, submitting the information to the President in order to promote aviation safety; or
- (4) Withholding the data or information from disclosure is consistent with the President's safety responsibilities.

(b) If a person receives protection from disclosure under this part, this part does not establish the extent to which the President may or may not use the data or information to take enforcement action.

(c) Only safety data and safety information submitted to the President is protected from disclosure under this part. Data and information obtained by the President through another means is not protected under this part.

§ 193.5 Disclosure of Protected Data or Information.

GACAR PART 193 – PROTECTION OF SUBMITTED SAFETY DATA AND SAFETY INFORMATION

(a) The President may provide submitted safety data or safety information to other agencies with safety responsibilities. The President may provide the safety data or safety information to another agency only if, for each such request, the other agency provides the President with adequate assurance, in writing, that—

- (1) The agency has a safety need for the data or information, including the general nature of the need.
- (2) The agency will protect the data or information from disclosure as required in this part. This includes a commitment the agency will mark the data or information as protected from disclosure under this part.
- (3) The agency will limit access to the data or information to only those persons with a need to know to carry out safety responsibilities.

(b) If the President receives a court order for safety data or safety information submitted under this part, the President will contact the person who submitted the data or information to determine whether the person objects to disclosure of the data or information or if the person wishes to participate in responding to the court order. If both the President and the person who submitted the data or information determine release of the data or information is appropriate, the data or information is released. Otherwise, the President will not release data or information designated as protected under this part unless ordered to do so by a court having jurisdiction.

(c) The President may disclose safety data or safety information designated as protected under this part when withholding the data or information would not be consistent with the President's responsibilities, as follows:

- (1) The President may disclose de-identified, summarized safety data or safety information submitted under this part to explain the need for changes in policies and regulations.
- (2) The President may disclose safety data or safety information provided under this part to correct a condition which compromises safety, if the condition continues uncorrected.
- (3) The President may disclose safety data or safety information provided under this part to carry out a criminal investigation or prosecution.
- (4) The President may disclose safety data or safety information provided under this part

GACAR PART 193 – PROTECTION OF SUBMITTED SAFETY DATA AND SAFETY INFORMATION

regarding threats to civil aviation.

(d) The President may disclose safety data or safety information under paragraph (c) of this section to the holders of Saudi Arabian design approvals or Saudi Arabian production approvals issued under GACAR Part 21, as follows:

- (1) The approval holder must disclose that data or information only to persons who need to know the data or information to address the safety or security condition.
- (2) Unless an emergency exists, before disclosing data or information to approval holders the President will contact the submitter of the data or information.