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**No. S 209**

**AIR NAVIGATION ACT  
(CHAPTER 6)**

**AIR NAVIGATION  
(91 — GENERAL OPERATING RULES)  
(AMENDMENT) REGULATIONS 2020**

In exercise of the powers conferred by section 3A of the Air Navigation Act, the Civil Aviation Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

**Citation and commencement**

1. These Regulations are the Air Navigation (91 — General Operating Rules) (Amendment) Regulations 2020 and come into operation on 1 April 2020.

**New regulation 21A**

2. The Air Navigation (91 — General Operating Rules) Regulations 2018 (G.N. No. S 441/2018) (called in these Regulations the principal Regulations) are amended by inserting, immediately after regulation 21, the following regulation:

**“Disclosure and use of shielded information**

**21A.**—(1) Subject to paragraph (2), a person commits an offence if —

(a) the person is, or has been —

(i) an operator of a flight mentioned in regulation 3(1)(a) or (b); or

(ii) an associate of an operator mentioned in sub-paragraph (i);

(b) the person uses information, or discloses information to another person or to a court;

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- (c) the person when using or disclosing information knew, or was reckless as to whether, the information is shielded information; and
    - (d) the information is shielded information.
  - (2) Paragraph (1) does not apply to any of the following:
    - (a) disclosure to a court in criminal proceedings for an offence under paragraph (1);
    - (b) disclosure or use for the purposes of an investigation under Part IIA of the Act or the Transport Safety Investigations Act 2018 (Act 36 of 2018) or reporting a known or suspected act of unlawful interference required by that Act;
    - (c) disclosure to the Authority for the purposes of maintaining or improving aviation safety;
    - (d) disclosure or use of Category 1 shielded information in accordance with paragraph (3);
    - (e) disclosure or use of Category 2 shielded information in accordance with paragraph (4).
  - (3) Category 1 shielded information may be disclosed or used for any of the following purposes:
    - (a) disclosure or use to enable inspection of the installed cockpit voice recorder, cockpit audio recording system, Class A airborne image recorder or Class A airborne image recording system (as the case may be) that recorded the Category 1 shielded information or from which that Category 1 shielded information is obtained;
    - (b) disclosure or use in order, and to the extent necessary, to maintain or improve aviation safety and in a form that does not identify any individual;
    - (c) disclosure or use in criminal proceedings unrelated to an applicable aviation occurrence to the extent authorised by the Director-General of Civil Aviation under paragraph (5).

(4) Category 2 shielded information may be disclosed or used for any of the following purposes:

- (a) disclosure or use for purposes relating to the airworthiness or maintenance of the aircraft;
- (b) disclosure or use in order, and to the extent necessary, to maintain or improve aviation safety and in a form that does not identify any individual;
- (c) disclosure or use in any civil proceedings, criminal proceedings or other proceedings unrelated to an applicable aviation occurrence to the extent authorised by the Director-General of Civil Aviation under paragraph (5).

(5) The Director-General of Civil Aviation may, after having regard to the likely effect that the disclosure or use might have on any current or future collection and availability of aviation safety related information, authorise (with or without conditions) —

- (a) the disclosure or use of Category 1 shielded information in any criminal proceedings unrelated to an applicable aviation occurrence; or
- (b) the disclosure or use of Category 2 shielded information in any civil proceedings, criminal proceedings or other proceedings unrelated to an applicable aviation occurrence.

(6) An operator or an associate of an operator (as the case may be) must, in respect of any shielded information that the operator or the associate discloses to another person or to a court, protect the shielded information by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

(7) A person who contravenes paragraph (6) shall be guilty of an offence.

(8) A person who is guilty of an offence under paragraph (1) or (7) shall be liable on conviction to a fine not exceeding \$20,000