
DRAFT STATUTORY INSTRUMENTS

2021 No.

**The Spaceflight Activities (Investigation of
Spaceflight Accidents) Regulations 2021**

PART 5

Sensitive safety information

Interpretation

29. In this Part—

“relevant person” means—

- (a) an Inspector,
- (b) any other officer of the Secretary of State,
- (c) an accredited representative,
- (d) any person who has been involved in the recovery of the launch vehicle, and
- (e) any person to whom sensitive safety information has been made available by such an Inspector, accredited representative or other officer;

“sensitive safety information” includes—

- (a) all statements taken by Inspectors from persons in the course of the safety investigation,
- (b) records revealing the identity of persons who have given evidence to Inspectors in the course of a safety investigation,
- (c) any information collected by Inspectors which is of a sensitive and personal nature, including information concerning the health of individuals,
- (d) material produced by Inspectors and others assisting in the safety investigation during the course of the investigation such as notes and opinions expressed about the analysis of information,
- (e) drafts of preliminary, interim or final reports or statements,
- (f) information and evidence provided by investigators from other states in accordance with international standards and recommended practices, if their safety investigation authority has requested that this material is to be treated as sensitive safety information in accordance with this Part,
- (g) voice and image recordings and transcripts of such recordings from—
 - (i) the launch vehicle,
 - (ii) the mission management facility from which spaceflight activities carried out by the launch vehicle were controlled, or
 - (iii) ground control at the spaceport or other place from which such activities were controlled,
- (h) any communications between persons involved in the operation of the launch vehicle,

- (i) US Technical Data, and
- (j) occurrence reports referred to in Part 16 of the Space Industry Regulations 2021⁽¹⁾, or any information in occurrence reports save to the extent that information is in the public domain;

“US Technical Data” has the meaning given in the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on technology safeguards associated with United States’ participation in space launches from the United Kingdom entered into on 16th June 2020⁽²⁾.

Protection of information and permitted disclosures

30.—(1) Sensitive safety information may not be disclosed by—

- (a) any member of staff of SAIA,
- (b) any person called upon to participate in or contribute to a safety investigation,
- (c) any other relevant person, or
- (d) any person who has received sensitive safety information from a person referred to in subparagraph (a), (b) or (c),

except as provided for in this regulation, regulation 32⁽²⁾(b), by order of the court under regulation 31, or in the circumstances set out in regulation 41⁽³⁾.

(2) US Technical Data may only be disclosed with the consent of the Government of the United States after consultation between SAIA and the Government of the United States.

(3) Sensitive safety information may be disclosed to the extent necessary to permit the investigator-in-charge to comply with their obligations under regulations 33 and 34.

(4) Any disclosure made under this regulation must ensure that the anonymity of persons involved in a spaceflight accident is preserved.

(5) SAIA may disclose information (other than sensitive safety information) to the persons referred to in paragraph (6) for the purposes of—

- (a) improving the safety of spaceflight activities, or
- (b) preventing a spaceflight accident.

(6) The persons referred to in this paragraph are—

- (a) the regulator,
- (b) the licensee,
- (c) persons responsible for the manufacture and maintenance of the launch vehicle involved in the spaceflight accident or for training, or
- (d) persons using a launch vehicle of the same type as the launch vehicle involved in the spaceflight accident.

(7) SAIA may disclose factual information obtained during a safety investigation to any international body or national body involved with spaceflight activities, provided that, in doing so, SAIA does not disclose—

- (a) sensitive safety information, or

(1) S.I. 2021/****.

(2) CP 307. The agreement may be obtained in hard copy from the Commercial Space Directorate, UK Space Agency, 10 Victoria Street, London, SW1H 0NN or found on the Foreign, Commonwealth & Development Office treaties database at <https://www.gov.uk/government/publications/ukusa-agreement-in-the-form-of-an-exchange-of-notes-between-the-united-kingdom-and-the-united-states-of-america-on-technology-safeguards-associated>.

- (b) information which might create a conflict of interest between the bodies to whom the information is revealed and the aims of SAIA in pursuing the safety investigation.
- (8) Provided that the objective of the safety investigation are not compromised, SAIA may inform victims or their relatives, or associations of victims or their relatives, of, or make public—
 - (a) any information on factual observations related to the spaceflight accident,
 - (b) the proceedings of the safety investigation,
 - (c) preliminary reports or conclusions, or
 - (d) safety recommendations.
- (9) Before making public any information referred to in paragraph (8), SAIA must send that information to the victims and their relatives, or associations of victims or their relatives, in a way which does not compromise the objective of the safety investigation, or any future safety investigation.

Court application for disclosure

- 31.—(1) An application may be made to the court for permission—
 - (a) to disclose sensitive safety information, or
 - (b) for sensitive safety information to be disclosed.
- (2) An application made under paragraph (1) must identify the sensitive safety information which the person making the application wishes to disclose, or to be disclosed.
- (3) Before making an order under paragraph (1), the court must be satisfied—
 - (a) that the disclosure of the sensitive safety information identified in the application will not—
 - (i) disclose the identity of any person involved with the spaceflight accident, or
 - (ii) damage the international relations of the United Kingdom, and
 - (b) that the benefits of disclosing that information outweigh the adverse domestic and international consequences that disclosure of that information might have on the safety investigation to which the information relates or any future safety investigation.
- (4) The jurisdiction conferred by this regulation may be exercised by—
 - (a) the High Court, or
 - (b) in Scotland, the Court of Session.