



INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL (OACI)

COMISIÓN LATINOAMERICANA DE AVIACIÓN CIVIL (CLAC)
LATIN AMERICAN CIVIL AVIATION COMMISSION (LACAC)



**SECOND MEETING OF THE AVIATION SECURITY AND FACILITATION REGIONAL GROUP
(AVSEC/FAL/RG/2)**

Antigua and Barbuda, 16 to 18 May 2012

AVSEC/FAL/RG/2 — WP/08
02/05/12

**Agenda Item 4 Aviation Security (AVSEC)
4.2 Report on Communications / Information Exchange Project**

**REVIEW ON THE PROGRESS OF THE COMMUNICATIONS /
INFORMATION EXCHANGE PROJECT**

(Presented by the Communications / Information Exchange Project – Coordinated by Venezuela)

SUMMARY	
This Working Paper puts forward a report on the progress of the Communications / Information Exchange Project, on the aviation security information exchange and protection project assigned as part of the work for the Meeting of the Regional Group on Aviation Security and Facilitation (AVSEC/FAL/RG) held in Asunción, Paraguay, from May 25th to 27th, 2011.	
References:	
<ul style="list-style-type: none">• Programme and working projects related to the report of the First Meeting of the Regional Group on Aviation Security and Facilitation (NAM/CAR/SAM ICAO/LACAC)• Annex 17	
Strategic Objectives	<i>This working paper is related to ICAO Strategic Objective B.</i>

1. Introduction

1.1 During the last meeting of the Regional Group on Aviation Security and Facilitation (AVSEC/FAL/RG), for North America, the Caribbean and South America (NAM/CAR/SAM Regions) of the International Civil Aviation Organization (ICAO) and the Latin American Civil Aviation Commission (LACAC), held in Asunción city, Paraguay, from May 25th to 27th 2011, the ad-hoc group – integrated by the representatives of the United States of America, Panamá and Venezuela – was conformed in order to work on the Communications / Information Exchange Project, specifically on the Aviation Security Information Exchange and Protection Project; in accordance with Working Paper ND/01, approved during the before mentioned meeting and containing the AVSEC/FAL/RG proposed terms of reference, work programs and projects.

1.2 Established objects by the Aviation Security Information Exchange and Protection Project are:

- a) Maintenance of an updated database containing the regional officers responsible for the AVSEC branch.
- b) Development of an effective and efficient process to guarantee a reliable exchange of sensitive AVSEC information among the States, and
- c) Revision of the Guidelines for Management of Sensitive Aviation Security Information, presented by COCESNA (ACSA)

2. Progress on the update of the AVSEC Points-of-Contact (PoC) database

2.1 With the view to maintaining a unique updated database of the contact officers in each State to deal with issues related to AVSEC themes as to facilitate the exchange of information, with special interest to those cases where incidents may compromise people's lives and the aeronautical system continuity, a consultation process among the States began for the updating of the AVSEC Points of Contact List within the NAM, CAR and SAM regions.

2.2 The AVSEC/FAL/RG Secretariat issued by official letter No. LS 8/21.1 – SA018, of January 11th 2012, its considerations to the States of the NAM/CAR/SAM Regions in order to notify changes and confirm data related to their points of contact, intended to standardize the existing lists of the appointed officials in the ICAO AVSEC Points of Contact (PoC) Network as well as those appointed for the AVSEC/FAL/RG.

2.3 The States sent their answers to the before mentioned considerations. They resulted in the adjustments filed in **Appendix A** of this Working Paper.

3. Revision of the Guidelines for Management of Sensitive Aviation Security Information, presented by COCESNA (ACSA)

3.1 Based on the important contribution of the AVSEC Experts Group of Central America in cooperation with Regional Officers of TSA and ICAO, that resulted in the Guidelines for Management of Sensitive Aviation Security Information presented by COCESNA (ACSA) in Working Paper NE/17, during the last AVSEC/FAL/RG meeting held in Paraguay, a revision of such guidelines was performed and the adjustment recommendations that were arose are now presented in **Appendix B** of this Working Paper.

4. Progress on the design process for the exchange of AVSEC information

4.1 With a view to facilitate the exchange of sensitive AVSEC information among the States, investigations were performed in order to design a Draft Protocol for the exchange of AVSEC information. As a result of this investigation, it is evidenced that different initiatives have been internationally presented aimed at exchanging sensitive information (related to or different from the aviation security branch), and that such exchange do not compromise the security of the States engaged to the Agreement.

4.2 As an example of the before mentioned facts, there are initiatives as:

- a) the AVSEC information exchange system of MERCOSUR (SISME), conceived as a cooperation tool for the regional security branch, which offers the possibility to exchange information based on a communication platform jointly developed by the engaged States and the associated ones;
- b) the Memorandum of Cooperation between the Transportation Security Administration (TSA) of the US Department of Homeland Security (DHS) and the Latin American Civil Aviation Commission (LACAC);
- c) the enactment of a Draft Bilateral or Regional Agreement on Aviation Security presented by ICAO in Doc. 8973 (Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference), among others.

4.3 Fundamental aspects among the before mentioned examples are a legal structure that sets up parameters and conditions to handle information among the States that agree on the exchange. Therefore, bilateral and multilateral agreements represent the ideal framework to support the exchange of sensitive AVSEC information. Such agreements may grant the possibility to increase or annex to their content considerations related to the protocols or working methodologies that guarantee an adequate exchange of sensitive AVSEC information. In this respect, **Appendix C** of this Working Paper presents a Draft Agreement that considers the condition under which such exchange of information shall be performed.

5. Suggested Action

5.1 The meeting is invited to:

- a) urge the States to permanently notify the AVSEC/FAL/RG Secretariat about the changes that may arise during the appointment of the Points of Contact (PoC) related to the aviation security and facilitation field.
- b) provide the States with the Guidelines for Management of Sensitive Aviation Security Information, presented by COCESNA (ACSA), as well as with the suggestions proposed by this Project, in order to be considered as reference documentation for the standardization of criteria to properly safeguard information on aviation security, and
- c) subject the Draft Agreement on the functional protocol regarding an AVSEC information exchange system into the States' consideration and also take the actions that may be considered necessary.


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Costa Rica	Miller	Rodriguez Ramirez	Encargado Oficina AVSEC-FAL, Dirección General de Aviación Civil	Apartado 5026-1000, San José, Costa Rica	+ 506 83848912	+ 506 24418008	Nil	millero1cr@gmail.com	Spanish, some English
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Dominican Republic	Coronel Rafael Mercedes	Catedral	Director de Inteligencia, Cuerpo Especializado de Seguridad Aeroportuaria (CESA)	Aeropuerto Int. de Las Americas (AILA)	(809) 809-549-8026 Ex. 2096	Nil	+809 549 0578/ + 809 796-8529	puntodecontacto@cesa.mil.do; inteligencia@cesa.mil.do	English and Spanish
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United States	Not Applicable	Command Duty Officer	Transportation Security Operations Center (TSOC)	Herndon, Virginia	+1703 563 3400	Nil	+1 703 487 3571	TSA.CDO@dhs.gov	English
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Suriname	Francisco Cosmo	Wong	Chief Inspector, Aviation Security Department, Civil Aviation Authority Suriname (CASAS)	Cosewijnse straat # 1 Zorg and Hoop Airfield, Paramaribo Suriname	+597 434186 +597 434286 +597 431990 Ext. 32	+ (597) 85747453	+597 434371	casassec@casas.sr asasdir@casas.sr	English and Dutch
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Country/ País	First Name/ Nombre	Last Name/ Apellido	Position/Department/ Departamento Cargo	Address/Dirección	Telephone/Tel éfono	Mobile/C elular	Fax	Email-Correo-e	Language/ Idioma
Venezuela	Jose Manuel	Villaverde Gomez	Jefe Area de Certificación y Evaluación de Riesgo AVSEC, Instituto Nacional de Aeronautica Civil (INAC)	Aeropuerto Internacional Simon Bolivar de Maiquetia Edf. Sede Nivel 1, Maiquetia, Edo. Vargas venezuela	+58 212 355 2717	+58 414 261 2136	+ 58 212 2774438	j.villaverde@inac.gob.ve	Spanish
Venezuela	Ignacio Romen	Gonzáles Aguilar	Jefe Area Inspección y procedimientos AVSEC, Instituto Nacional de Aeronautica Civil (INAC)	Aeropuerto Internacional Simon Bolivar de Maiquetia Edf. Sede Nivel 1, Maiquetia, Edo. Vargas venezuela	+58 212 355 2717	+58 412 9096579	+ 58 212 2774438	j.villaverde@inac.gob.ve	Spanish

APPENDIX B

**COMMENTARIES TO THE REVISION OF THE
GUIDELINES FOR MANAGEMENT OF SENSITIVE AVIATION SECURITY INFORMATION**

Commentaries of the AVSEC/FAL/RG Ad-Hoc group on the guidelines for management of sensitive aviation security information in order to complement the excellent work performed by the Central American AVSEC Group of Experts in cooperation with TSA and ICAO regional officers.

Page	Section	Original Version	Commentaries
5	Applicability	a. These procedures shall be applied to all airport operators, air operators, service providers and State institutions which have been provided with AVSEC information classified as secret, confidential and sensitive.	Each State may establish different levels and definitions for the classification of sensitive information. Therefore, we recommend mentioning at the end of the paragraph: <i>“... confidential and sensitive, or established under the classification defined by the State”</i>
5	Documents to be disclosed	Documents to be disclosed	We recommend to use the following expression: <i>“Documents to be under protection”</i>
5	Documents to be disclosed a 2	2. Relevant sections of national programs, rules and regulations, security test results, investigations and security circulars.	We recommend the following wording: <i>“National programs, rules and regulations, security test results, investigations, security circulars or the relevant sections related thereto.”</i>
5	Documents to be disclosed c. 1)	1. Security programs or relevant sections thereof to airline operators, service providers and State institutions.	We recommend that the following expression: <i>“State institutions or organizations”</i> be included in paragraph (a), considering that they depend on the State but not on the airlines.
6	Information classification	Information will be classified based on importance or type. The entity responsible for this classification will be the competent authority of each State.	Each State may establish different definitions for the classification of sensitive information. Therefore, we recommend to include a note that sets up: <i>“Note: In case of any divergences, definitions regarding information classification levels established by the State shall be mentioned”.</i>

Page	Section	Original Version	Commentaries
6	Document protection and marking a)	a. Printed documents, photocopies or electronic information (CD-ROMs, Diskettes, DVDs and USBs) must have an outer label with “secret, confidential or sensitive information” markings.	We recommend adding a phrase to establish that classification markings related to the sensibility of any information issued by a State may be accepted and used by another State in order to fulfill this requirement, according to the methodology used by each State for such classification.
6	Document protection and marking c)	c. Each paragraph will be marked according to the appropriate information classification level. The document or page will be marked based upon the highest classification of the paragraphs contained in it.	Paragraph marking based upon different classifications is a good practice. Nonetheless, it requires detailed guidance and wide training for the personnel in charge of document classification.
7	Sanctioning to custodians a) and b)	a. Persons responsible for safeguarding information who commit a violation/infraction will be subject to administrative and judicial sanctions according to the State law, if the information assigned under his/her responsibility has been used to commit or to allow acts of unlawful interference against civil aviation. b. Sanctions will be determined based on the results of investigations and the State’s national legislation and/or International Conventions.	Any kind of violation/infraction shall be reported to the competent authorities, even when incidents do not occur.
8	Custodial responsibilities b)	b. The responsibility of safeguarding information under custody shall be made clear and no information can be disclosed unless the established procedures have been followed and on the command of upper management.	We recommend that each State defines, within its internal procedures, the “superior level” that is authorized to order the disclosure of sensitive aviation security information, in order to identify and define responsibility levels towards such actions.

Page	Section	Original Version	Commentaries
8	<p>Custodial responsibilities</p> <p>e)</p>	<p>e. Information, which shall not be disseminated to the general public due to the vulnerability to the security system it represents, includes:</p> <ol style="list-style-type: none"> 1. Security program 2. Contingency plans 3. Security directives 4. Security inspections and their results 5. Investigation information 6. Threat information 7. Security training 8. Security tests 9. Security procedures 	<p>We recommend adding the following terms:</p> <p><i>“10. Detected vulnerabilities.</i> <i>11. Performance specifications required for security equipment, and</i> <i>12. Any other information which indicates specific measures, threats and risk level for an operation”.</i></p>
8	<p>Custodial responsibilities</p> <p>f)</p>	<p>f. In case of discovery any finding or incident related to this information, the person responsible for handling SSI shall notify upper management.</p>	<p>We recommend adding that the State will also communicate anomalies or incidents related to the information to the State providing sensitive information (if so).</p>
9	<p>Quality Control</p> <p>b)</p>	<p>b. Checklist shall include, at least, the following:</p> <ol style="list-style-type: none"> 2. Check classified information has not been left on desks, photocopiers, printers, fax machine or garbage collectors. 	<p>We recommend including the expression “Scanner”, in number 2, paragraph b).</p>

CENTRAL AMERICAN AVSEC GROUP OF EXPERTS

GUIDELINES FOR MANAGEMENT OF SENSITIVE AVIATION SECURITY INFORMATION

**FIRST ISSUE
04 JUNE 2010**

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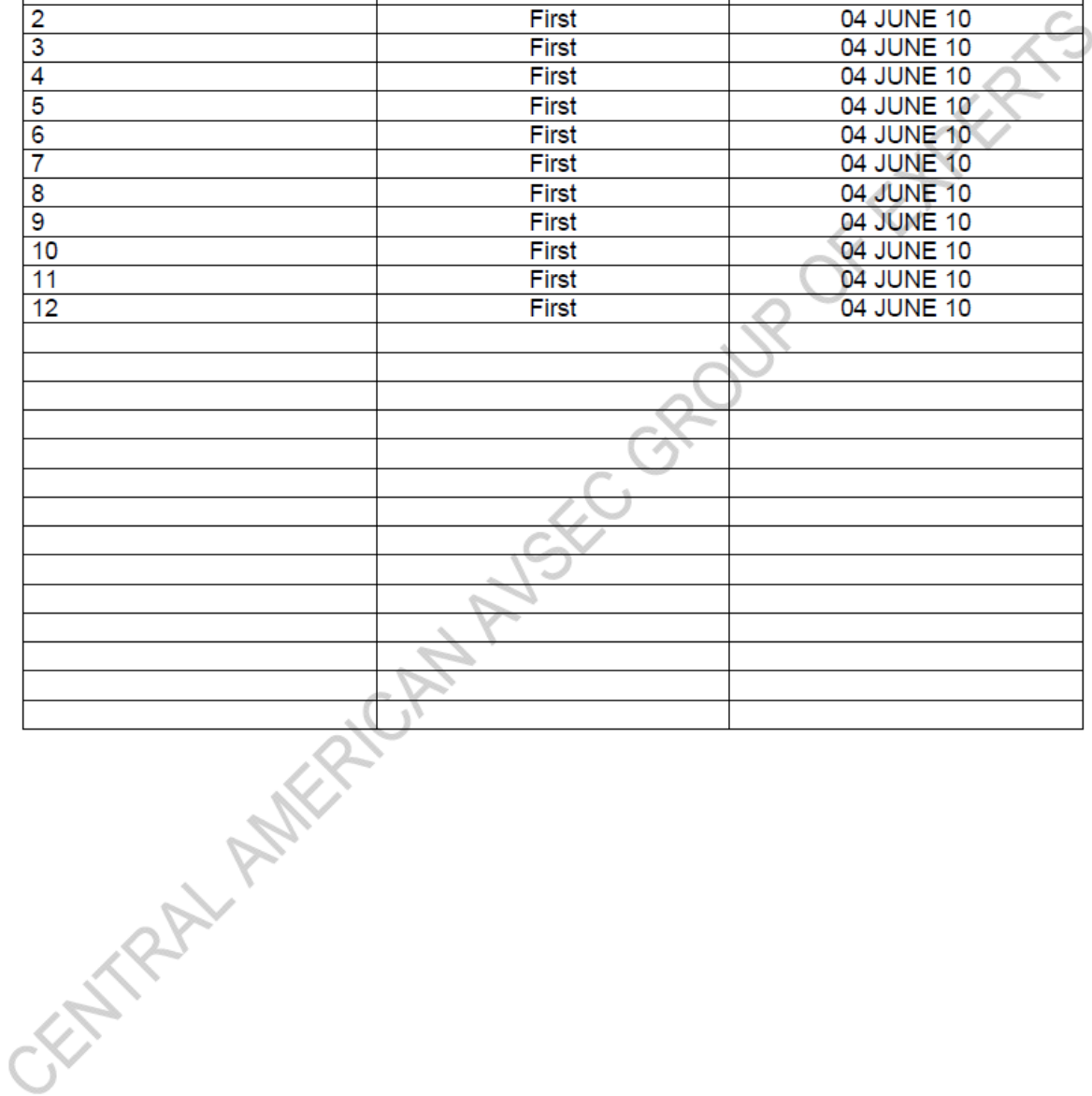


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CENTRAL AMERICAN AVSEC GROUP OF EXPERTS

OBJECTIVE

To adopt security measures for protecting aviation security documentation and to prevent it from being delivered to the wrong hands which may violate the AVSEC system.

APPLICABILITY

- a. These procedures will be applied to all airport operators, air operators, service providers, and State institutions which are provided with AVSEC information classified as secret, confidential and sensitive.
- b. States requesting information.

DOCUMENTS TO BE DISCLOSED

- a. State
 1. Annexes, manuals, relevant sections of these manuals, circulars and other documents.
 2. Relevant sections of National Programs, Rules and Regulations, Security Test Results, investigations and Security Circulars.
- b. Airport Operator
 1. Programs or relevant sections of the air operators' security programs, contingency plans, security circulars, meeting minutes.
 2. Rules and regulations.
- c. Air Operators
 1. Security programs or relevant sections of these security programs of air operators, service providers, and State institutions.
 2. Rules and regulations.
- d. Regional States
 1. Information provided by other States, programs, security circulars, intelligence reports of possible terrorist activities or criminal organisations that may affect civil aviation of each State.
 2. Third party information that may contribute to the aviation security system, maintaining the confidentiality of the persons that provided such information.
 3. Information provided during training to security personnel. A control system shall be used for the aforementioned statements.

CLASSIFICATION LEVELS

- a. Secret
- b. Confidential
- c. Sensitive

INFORMATION CLASSIFICATION

Information will be classified based on importance or type. The entity responsible for this classification will be the Competent Authority of each State.

- a. **Secret** All highly sensitive information considered a priority and that can only be known by a reduced number of persons.
- b. **Confidential** All medium level information related to aviation security and which may cause damage to the security system.
- c. **Sensitive.** All low level information that shall be disseminated to persons who require it for the performance of their tasks.

DOCUMENT PROTECTION AND MARKING

- a. Printed documents, photocopies or electronic information (CD-ROMs, Diskettes, DVDs and USBs) must have an outer label with "Secret, Confidential or Sensitive Information" markings.
- b. Information will be in headers, footers, and in a watermark, stating the classification level.
- c. Each paragraph will be marked according to the appropriate information classification level. The document or page will be marked based upon the highest classification of the paragraphs contained in it.
- d. Secret, confidential and sensitive information will be stored in a safe place determined by the competent authority.
Note: The competent authority should include, in an appendix to these guidelines, relevant detailed information about the custody of classified information.
- e. Photocopies, printouts and copies will implement the security measures established by the competent authority.
- f. Each user of an electronic device containing classified information shall have a unique access code.

CONTROL OF INFORMATION WITHIN AN ORGANIZATION

- a. All information will be property of the competent authority

b. A record of information received and provided will be maintained; this record shall satisfy, at least, the following requirements:

1. Name, signature and position of the person providing the information
2. Name, signature and position of the person receiving the information
3. Date and time
4. Amount of pages
5. Document classification

Note: Programs, regulations, security circulars, minutes, and training material will include a security code on each page as established in national documentation. A record of security codes shall be maintained.

COPY CONTROL

- a. In case, photocopies, printouts or electronic copies of any classified documents are required, a record of the amount of pages copied or printed, the date, time, name of the person who copied or printed the document, and the name person who requested them, will be maintained.
- b. The equipment used for copying and disseminating information will be for exclusive use and it will not be connected to any network.

DOCUMENT DESTRUCTION

- a. Documents classified as secret, confidential and sensitive will be destroyed when determined by the competent authority or according to national laws.
- b. Documents will be destroyed as determined by the competent authority (paper shredder, burning, etc) in order to prevent reading them.
- c. Destruction will be performed by at least two persons authorized by the competent authority.
- d. A document stating the type of material destroyed and the persons present during that activity shall be prepared.

SANCTIONING OF CUSTODIANS

- a. Persons responsible for safeguarding information who commit a violation/ infraction will be subject to administrative and judicial sanctions according to the State Law; this, if the information assigned under his/her responsibility has been used to commit or to allow acts of unlawful interference against civil aviation.
- b. Sanctions will be determined based on the results of investigations and the State's National Legislation and/or International Conventions.

CUSTODIAL RESPONSIBILITIES

- a. Persons responsible for handling information related to programs, rules, regulations, circulars, minutes or other shall be aware of the importance of this information in order to prevent claiming ignorance.
- b. The responsibility of safeguarding information under custody shall be made clear and no information can be disclosed unless the established procedures have been followed and on the command of upper management.
- c. No information that may put at risk the life of passengers, crew, ground personnel shall be disclosed.
- d. No civil aviation information that may put at risk the integrity of the States shall be disseminated to the general public.
- e. Information, which shall not be disseminated to the general public due to the vulnerability to the security system it represents, includes:
 - 1. Security program
 - 2. Contingency plans
 - 3. Security directives
 - 4. Security inspections and its results
 - 5. Investigation information
 - 6. Threat information
 - 7. Security training
 - 8. Security tests
 - 9. Security procedures
- f. In case of discovering any finding or incident related to this information, the person responsible for handling SSI shall notify upper management.

INFORMATION TO OTHER STATES

- a. Information can be shared with other States provided that they request it through a formal letter to the civil aviation competent authority.
- b. The information that can be share includes: programs, rules, regulations and data on threats to civil aviation.
- c. Information will be handled through the Department of Foreign Affairs unless, imminent danger exists; in that case and due to the lack of time, information will be provided by the civil aviation competent authority.
- d. The requesting State shall sign a confidentiality of information Memorandum of Understanding and notify the security measures to be applied to the information requested. In addition, the requesting State shall allow the State from which it is requesting information to verify it when necessary. (See Annex 1)

QUALITY CONTROL

- a. The person responsible for the custody and handling of classified information will conduct verification when beginning and finishing his/her tasks in order to corroborate information status. (include sample checklist, Annex 2)
- b. Checklist shall include, at least, the following:
 1. Check classified information pouches or containers are locked
 2. Check classified information has not been left on desks, photocopiers, printers, fax machines or garbage collectors.
 3. Check electronic devices used to copy and disseminate classified information are turned off.
 4. Check the office door is locked.
 5. Check other areas required by the competent authority.

CENTRAL AMERICAN AVSEC GROUP OF EXPERTS

ANNEX 1

MEMORANDUM OF UNDERSTANDING FOR THE PROTECTION OF SENSITIVE SECURITY INFORMATION BETWEEN (State or other providing entity) and (State or receiving entity)

This Memorandum of Understanding (MOU) details the procedures under which the (State or receiving entity) handles sensitive security information (SSI) in the material authorised by (State or providing entity) (herein after referred to as CAA).

The (State or receiving entity) understands that the SSI is to be protected from disclosure according to the legislation of (State or providing entity) based on the CAA's criteria that disclosing such information will be harmful to aviation security.

The (State or receiving entity) acknowledges it has received the SSI material and that the following procedures will rule the handling of such SSI material. The SSI material labelled as sensitive by the (State or providing entity) shall be:

- a. Protected from disclosure, unless a written authorization from the (State or providing entity) exists;
- b. Kept in the official facilities, unless an authorization from the (State or receiving entity) exists;
- c. Provided only to the organizations or persons considered suitable by the Director of the Civil Aviation Authority to access information and who have a "need to know" in order to perform or assist in an official authorized function;
- d. Accessible only to the authorized persons or organizations that have read and understood the SSI material handling procedures. These procedures shall not be disclose to a third party. Authorized persons or organizations shall comply with the terms of this memorandum of understanding;
- e. Handled only by authorized persons taking all precautionary measures to safeguard material and prevent unauthorized access by securing the SSI material in a container or in a locked door office when not being actively used. In addition, a list of persons provided access to the documents will be maintained;
- f. Copying is not allowed, unless it is necessary for operating purposes of the (State or receiving entity) and authorized by the Director of the Civil Aviation Authority of the (State or receiving entity), and

The (State or providing entity) approves the provision of the following SSI material to an authorized representative of the CAA of the (State or receiving entity):

- 1. National Aviation Security Programs
- 2. Contingency Plans
- 3. National Aviation Security Training Programme
- 3. Any other document related to the aforementioned material

By signing, the representative duly authorized by the Civil Aviation Authority (of the State or receiving entity) acknowledges receipt of the SSI material and the handling procedures of such material as stated above.

 Name: _____ Date _____
 Position:
 State

**ANNEX 2
Checklist**

CAA
representative: _____

Date: _____

Task	YES	NO	Remarks
Check classified information pouches or containers are locked.	<input type="checkbox"/>	<input type="checkbox"/>	
Check classified information has not been left on desks, photocopiers, printers, fax machines or garbage collectors.	<input type="checkbox"/>	<input type="checkbox"/>	
Check electronic devices used to copy and disseminate classified information are turned off.	<input type="checkbox"/>	<input type="checkbox"/>	
Check the office door is locked.	<input type="checkbox"/>	<input type="checkbox"/>	
Check other areas required by the competent authority.	<input type="checkbox"/>	<input type="checkbox"/>	

Remarks:

APPENDIX C / APÉNDICE C

ACUERDO SOBRE PROTOCOLO FUNCIONAL DEL SISTEMA DE INTERCAMBIO DE INFORMACIÓN DE SEGURIDAD DE LA AVIACIÓN (SISA) ENTRE (NOMBRE DEL ESTADO) Y (NOMBRE DEL ESTADO)

El (Nombre de la institución del Estado) de (Nombre del Estado) y (Nombre de la institución del Estado) de (Nombre del Estado).

CONSIDERANDO el acuerdo (nombre del acuerdo bilateral / multilateral) suscrito entre (Nombre del Estado) y (Nombre del Estado) de fecha (fecha del acuerdo).

TENIENDO EN CUENTA la necesidad que impone la lucha para enfrentar los atentados contra la seguridad de la aviación civil, y de seguir avanzando permanentemente en el diseño de mecanismos contribuyentes para la cooperación y asistencia recíproca mutua entre los Estados comprometidos en la Seguridad de la región,

CONSIDERANDO el compromiso de los Estados en fortalecer el intercambio de información en materia de seguridad de la aviación, de acuerdo a lo contemplado en el Anexo 17 – Seguridad / Protección de la aviación civil contra los actos de interferencia ilícita.

RESULTANDO NECESARIO en la oportunidad dotar al referido Sistema de Intercambio de Información de Seguridad de la Aviación y Funcional que permita el acceso eficiente y responsable a la información,

ACUERDAN

Artículo 1

La suscripción entre (nombre del estado) y (nombre del estado) al denominado “Acuerdo sobre Protocolo Funcional del Sistema de Intercambio de Información de Seguridad de la Aviación (SISA)”, que como anexo forma parte integrante del presente acuerdo.

Artículo 2

Se comprometen a la adopción de todas las medidas, conforme a la legislación de cada país y a las capacidades materiales y humanas de las que se dispongan, a fin de cumplir con los propósitos que animan el presente Acuerdo

Artículo 3

El presente Acuerdo no restringirá la aplicación total o parcial de otros instrumentos que sobre la misma materia fueron suscritos o puedan ser suscritos entre las Partes, en tanto sus cláusulas resultaren más favorables para fortalecer la cooperación mutua en asuntos vinculados con la seguridad de la aviación civil. Dichas Partes podrán informar a las demás cuando la naturaleza de los mismos sea de su interés.

Artículo 4

El presente protocolo permanecerá en vigor durante un periodo indefinido. No obstante, cada parte tendrá el derecho a rescindirlo mediante aviso por escrito a la otra parte con (Colocar cantidad) meses de antelación. En caso de que una de las partes rescinda el presente protocolo, ambas partes adoptaran las medidas necesarias para asegurarse de que dicha rescisión no ponga en riesgo la ejecución de las operaciones de seguridad de la aviación de las partes.

Artículo 5

Las controversias que surjan sobre la interpretación, la aplicación, o el incumplimiento de las disposiciones contenidas en el presente protocolo entre los Estados Partes, se resolverán por medio de consultas entre las partes.

El presente protocolo entrara en vigor a la firma del mismo por parte de (Nombre del representante del Estado) y por (Nombre del representante del Estado)

Firmado en dos ejemplares en (lugar de la firma) a los (fecha), siendo ambos textos igualmente auténticos.

Por (Nombre del Estado)

Por (Nombre del Estado)

— C3 —

ANEXO**PROTOCOLO FUNCIONAL
DEL SISTEMA DE INTERCAMBIO DE INFORMACIÓN DE
SEGURIDAD DE LA AVIACIÓN ENTRE
(Nombre del Estado) y *(Nombre del Estado)*****CONSIDERACIONES GENERALES****Artículo 1**

Los Gobiernos de *(nombre del Estado)* y *(nombre del Estado)*, en adelante las Partes, crearán y mantendrán un sistema informático común denominado “Sistema de Intercambio de Información de Seguridad de la Aviación (SISA), que permita facilitar a las autoridades asignadas, con arreglo a sus funciones, el acceso eficiente y oportuno a informaciones relacionadas con la seguridad de la aviación civil, en procura de la protección de la aviación civil contra los actos de interferencia ilícita.

OBJETIVO**Artículo 2**

El objetivo del presente protocolo es optimizar los niveles de seguridad en los procesos de intercambio de información sensitiva en seguridad de la aviación entre los Estados que convengan dicho intercambio.

FORMAS DE COOPERACIÓN**Artículo 3**

A los efectos del presente protocolo, la cooperación comprenderá el intercambio de información sensitiva de seguridad, de análisis y de apreciaciones; la realización de actividades operativas coordinadas, simultáneas y/o complementarias y la generación de mecanismos e instancias para materializar esfuerzos comunes en el campo de la seguridad de la aviación.

La cooperación podrá comprender otras formas que las Partes acuerden según las necesidades.

RECURSOS**Artículo 4**

Los recursos necesarios para la ejecución del presente protocolo y para alcanzar su objetivo, serán responsabilidad de cada una de las Partes; no obstante, las mismas podrán acordar, cuando así lo consideren, otras formas de asumir los gastos.

ESTRUCTURA**Artículo 5**

El SISA implementará un Sistema de Consulta de Información constituido por un Nodo Nacional, que será aquella persona o grupo de personas quienes centralizaran dentro de cada Estado, las comunicaciones y serán responsables de todo tipo de interfaz entre los Estados y el Sistema de Intercambio de Información de Seguridad de la Aviación.

Artículo 6

El Nodo Nacional será administrado por la autoridad competente en materia de seguridad de la aviación de cada Estado. Dicho Organismo será responsable del correcto funcionamiento del citado Nodo Nacional y adoptará las medidas adecuadas para garantizar el cumplimiento del presente protocolo.

Artículo 7

Las Partes del presente protocolo, mediante las respectivas Representaciones Nacionales, prestarán cooperación para prevenir y/o tomar acción efectiva ante hechos relacionados contra la seguridad de la aviación civil, siempre que tales actividades no sean reservadas a otras autoridades por leyes de la Parte requerida y que lo solicitado no viole su legislación procesal o de fondo.

Artículo 8

Lo establecido en el párrafo anterior, no se opondrá a la cooperación directa entre las autoridades competentes en materia de seguridad de la aviación en el marco de sus respectivas jurisdicciones y competencias, en caso de que mediaren razones de urgencia operativa, con la obligación de dar, posteriormente, conocimiento inmediato a las respectivas Autoridades Nacionales.

USO DE LA INFORMACIÓN

Artículo 9

Las informaciones contenidas en el SISA no son de uso o conocimiento público.

Artículo 10

El intercambio de información se hará de acuerdo a la legislación vigente de cada país y sobre la base de los principios de reciprocidad y celeridad.

Artículo 11

Las Partes deberán contemplar medidas que garanticen que el tratamiento y destino de la información no deriven a fines distintos del interés de la seguridad o afecten las garantías y derechos de las personas.

Artículo 12

Las Partes se comprometen a contemplar resguardos especiales que impidan el conocimiento y uso de la información por parte de personas que no sean los destinatarios, o de terceros no autorizados expresamente para acceder a dicha información.

Estas medidas de seguridad deben entenderse referidas a la protección y el procedimiento para su envío y recepción.

Artículo 13

Cada Parte deberá establecer medidas para sancionar al que, intencional o negligentemente, permita que terceros no autorizados conozcan datos contenidos en el SISA.

INTERCAMBIO DE INFORMACIÓN

Artículo 14

Las solicitudes de cooperación e intercambio de información que se contemplan en el presente protocolo, salvo la situación descrita en el artículo 16, deberán cursarse en forma directa entre las respectivas Autoridades Nacionales competentes en materia de seguridad de la aviación, a través del Sistema de Intercambio de Información de Seguridad de la Aviación (SISA).

La Sección Nacional de la Parte requerida tramitará la solicitud imprimiéndole el trámite de urgente despacho, a partir de la instrumentación de un mecanismo que haga ello posible.

Artículo 15

Las Partes deberán contemplar procedimientos de validación de las consultas y respuestas a que dé lugar el SISA a fin de garantizar tanto la autenticidad del Nodo Nacional, como de la información.

Artículo 16

Las Partes establecerán mecanismos que garanticen el flujo expedito de la información estructurada. En caso de que esas informaciones no estén disponibles o no corresponden integralmente a las necesidades del solicitante, las partes deberán por medio de la mensajería o correo electrónico, salvo impedimento legal, intercambiar informaciones en el menor tiempo posible.

En caso de información solicitada por mensajería o correo electrónico, cada vez que se necesitare otorgar especial calificación de “Confidencial” a una información determinada, las Partes deberán señalarlo expresamente al requerirla o remitirla.

Artículo 17

La información solicitada en los términos del presente protocolo será suministrada por la Parte requerida, conforme a las respectivas legislaciones, en las mismas condiciones en que se proporciona para sus propias autoridades.

Artículo 18

Sin perjuicio de lo expresado precedentemente, la Parte requerida podrá aplazar el cumplimiento de la solicitud, o sujetarla a condiciones, en caso de que interfiera una investigación en curso en el ámbito de su jurisdicción.

Artículo 19

Las Partes deberán:

- a. A pedido de la Parte requirente, mantener el carácter confidencial de la solicitud y de su tramitación. Si la misma no pudiere tramitarse sin violar la confidencialidad, la Parte requerida informará tal situación a la requirente, la cual decidirá si mantiene vigente la solicitud.
- b. De la misma manera, la Parte requerida podrá solicitar que la información obtenida tenga carácter confidencial. En ese caso, la Parte requirente respetará las condiciones establecidas por la Parte requerida. Si la requirente no pudiere aceptarlas, lo comunicará a la Parte requerida, la que decidirá sobre la prestación de la colaboración.

Artículo 20

La Parte requerida informará a la requirente, lo más rápido posible, sobre el estado de cumplimiento de la solicitud tramitada.

Artículo 21

La solicitud deberá ser redactada en el idioma de la Parte requirente y estará acompañada de una traducción en el idioma de la Parte requerida, cuando fuere necesario. Los informes resultantes serán redactados solamente en el idioma de la Parte requerida.