



EASA

European Aviation Safety Agency

Balance between Medical Confidentiality and Public Safety General Update

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Background

- The **Germanwings accident** reminded the international aviation community that the medical and psychological health of flight crews, is an essential element of aviation safety
- **EASA Task Force** recommended in its final report that “national regulations ensure that an **appropriate balance is found between patient confidentiality and the protection of public safety**” (REC#5a)



REC#5a Confidentiality / public safety

- **The BEA final report on the accident investigation** of March 2016 supports the recommendations made by the EASA task force and it clearly states that “**The process of medical certification of pilots (...) did not succeed in preventing the co-pilot, who was experiencing mental disorder with psychotic synthons from exercising the privilege of his licence.** One of the contributing factors highlighted is the “**lack of clear guidelines** in the German regulations on when a threat to public safety outweighs the requirements of medical confidentiality”
- EASA will present a **position paper to the Commissioner of Transport and to the Commissioner for Health and Food safety** on how to address the balance between medical confidentiality and public safety



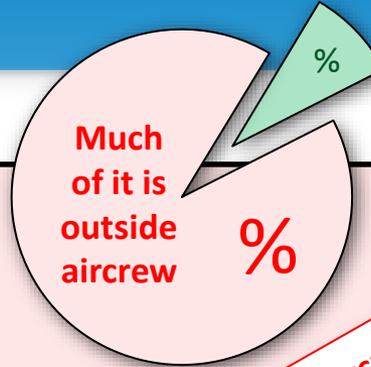
Important clarification

Pilot-medical-issues

Aircrew Regulation



Information sharing with licensing authority



Outside Aircrew Regulation ?



Outside Aircrew Regulation ?



Outside Aircrew Regulation ?



Preamble

- Medical confidentiality is a **key principle** of medical health care **regulated at national level**
- In **most of the legal systems** of Member States **physicians can lift the medical secrecy** in case of “**imminent danger**”, “**threat to public safety**” and “**substantial public interest**”
- As these **terms are not clearly defined**, physicians generally take a very cautious approach
- **Sanctions** in cases of breach of medical secrecy without just cause are **severe**
- **Guidance is needed** for reporting cases that would affect public safety



- EASA supports the actions and guidance issued by some national medical councils (like the General Medical Council in the UK)
- The GMC provides clear guidance to Physicians on medical confidentiality and on how to make a balance with public safety
- EASA suggests that similar actions should be taken in all MSs



Draft Working Paper: Recommended actions

- The Commission should facilitate the discussion and promote awareness raising campaign:
 - 1) Initially discussion to be tabled at the **commission medical experts groups** (DG SANTE)
 - 2) **Medical Orders/Medical Associations in the MSs** should be addressed
 - 3) The so called **Article 29 working party** (and **EDPB** under GDPR) to issue guidelines to clarify the concept of “substantial public interest” as a legal basis to process medical data under the **data protection regulation**



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Thank you
Questions?

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