

**Memorandum of Understanding**  
**between**  
**The Rail Accident Investigation Branch (RAIB)**  
**and**  
**Rail Safety and Standards Board (known as 'RSSB')**

With effect from 1 January 2017

**Introduction**

- 1 This Memorandum of Understanding (MoU) has been agreed between the Rail Accident Investigation Branch (RAIB) and the Railway Safety and Standards Board (RSSB) [the parties]. It sets out the principles for co-operation between these parties so that information obtained from passengers about their injuries and experiences arising from railway accidents (hereafter referred to as passenger accident data) can be investigated thoroughly and independently by each party.
- 2 This MoU takes into account relevant legislation (the Railways (Accident Investigation and Reporting) Regulations 2005 and the Data Protection Act 1998 (DPA)), and the parties' respective roles and responsibilities.
- 3 The purpose of the MoU is to enable the RSSB to be able to have access to anonymised passenger accident data for the sole purpose of trying to improve railway safety.
- 4 The parties realise that each has different roles and responsibilities in relation to an accident that has resulted in the death or injury to persons. The parties agree to review the MoU every three years.

**ROLES & RESPONSIBILITIES**

**The Rail Accident Investigation Branch**

- 5 The sole purpose of a RAIB investigation is to determine the causes and circumstances of railway accidents and make recommendations to prevent a recurrence. It is not the purpose of a RAIB investigation to apportion blame or liability.
- 6 The RAIB is a functionally independent body within the Department for Transport, separate from the transport regulator, and reports directly to the Secretary of State on all investigation matters.

**Rail Safety and Standards Board (RSSB)**

- 7 The RSSB is a not-for-profit organisation whose purpose is to support its members and consequently the industry to, where reasonably practicable, continuously improve the level of safety in the rail industry.
- 8 As part of this role, the RSSB collects railway accident data including passenger data to inform its studies into improving the passive safety of rolling stock.

**Rail Accident Investigation Branch technical Investigations**

- 9 Following notification of a fatal accident the RAIB will normally deploy to the accident site inspectors who are trained in railway accident investigation, to gather evidence and conduct witness interviews.
- 10 An investigation may involve interviewing witnesses, gathering and analysing both documentary and physical evidence, and conducting detailed examinations, testing and analyses. Where relevant, computer modelling or reconstructions will be undertaken to gain the fullest possible understanding of events.
- 11 For accidents involving injuries or fatalities, the RAIB uses a questionnaire to gather passenger related information. The collected data is used to inform RAIB's investigation into the severity of consequence and to identify recommendations that could improve the passive safety of rolling stock in the future.

#### **Disclosure**

- 12 The regulations applicable to the RAIB require that it shall not disclose statements taken from persons by RAIB inspectors in the course of the safety investigation, or records revealing the identity of persons who have given this and other evidence to the RAIB. The RAIB shall not provide notes, opinions written or expressed in the analysis of information, drafts of preliminary or final reports or interim statements.
- 13 The RAIB agrees that it is in the interests of railway safety for the RSSB to have the fullest possible data on passenger injuries and how they were caused together with other relevant information such as age, location on the train, direction they were facing, seated/standing etc.
- 14 To facilitate this, where a passenger has provided information on the RAIB Passenger Questionnaire, this information, minus any personal information that would enable an individual to be identified, can be shared with RSSB for the sole purpose of accident safety analysis or research.
- 15 When providing such information to the RSSB, the RAIB will safeguard passenger's personal data by stripping out all personal or identifying information from the questionnaire, or by anonymising the data and supplying it in another format.
- 16 This approach is on the understanding that the DPA is not intended to obstruct the use of data which would be in the public interest and particularly where there may be a public safety issue at stake.

#### **Rail Safety and Standards Board Investigation**

- 17 RSSB considers that if it does not have all the available injury information, it may not be able to carry out the injury causation studies to the depth that it may want.
- 18 RSSB would like to have access to all injury information in an anonymised form (eg redacted questionnaire or MS Excel spreadsheet) and in a manner such that the injuries cannot be attributed to any individual.
- 19 RSSB will agree with the RAIB a standard spreadsheet in a format that would assist in the process of populating the anonymised the data.

#### **Basis for co-operation**

- 20 Under this MoU the RSSB undertakes that it will not attempt to use any other information that it may hold in relation to a particular accident under investigation together with the anonymised data provided by the RAIB, to try to re-identify individuals.
- 21 The RSSB further undertakes to hold the information provided by the RAIB in a safe and secure manner and to not divulge the information to outside parties, except to consultants it may choose to employ for the specific purpose of the RSSB's safety related investigation. If the RSSB

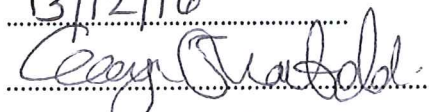
employs an external consultant to assist its investigation, the RSSB undertakes to ensure that appropriate undertakings are in place to prevent any subsequent unauthorised use of the data by its consultant.

**Agreement**

22 The parties have agreed to co-operate according to the principles outlined in this Memorandum.

Dated .....17/12/16.....  
Signed by ..... Chief Inspector of Rail Accidents  
Name .....SIMON FRENCH.....

On behalf of the Rail Accident Investigation Branch

Dated .....13/12/16.....  
Signed by .....  
Name .....GEORGE BEARFIELD.....

On behalf of the Railway Safety and Standards Board.