



DUTCH
SAFETY BOARD

For safety



Introduction

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Safe living, safe working, safety. Although we are used to feeling safe, safety cannot be guaranteed. Despite all the expertise and technology available at our fingertips, serious situations do occur. Sometimes with disastrous results.

Since 2005 and appointed by virtue of national law, the Dutch Safety Board has been tasked with the investigation of accidents and incidents. The aim of all investigations is to learn from occurrences and to apply lessons learned to enhance safety in the future. When safety is lacking in structural ways, the Board can formulate recommendations for improvements. The Dutch Safety Board mainly focuses on situations in which people depend on third parties for their safety, such as the government or companies. In this way, the Dutch Safety Board contributes to the safer design of processes and organisations in the Netherlands.

1 | What is the Dutch Safety Board?

The Dutch Safety Board is an independent governing body that does not report to the Dutch government or other parties. The Board decides which occurrences and topics to investigate and determines their added value in the decision-making process. A topic could be useful because of societal unrest, because new lessons can be learned or because the Board suspects there are structural shortages or other security issues in a sector. In certain aviation, shipping, industry and railway occurrences, the Board has a legal obligation to perform an investigation.

The Dutch Safety Board consists of three permanent members, with one member as chairperson. The board members have extensive knowledge of safety issues and possess considerable administrative and societal experience. The Dutch Safety Board can also rely on the expertise of a number of extraordinary members with knowledge and expertise of various sectors. The bureau of the Dutch Safety Board has approximately 80 employees, two-thirds of whom are investigators.

2 | What does the Dutch Safety Board do?

In the Netherlands, the Dutch Safety Board investigates both specific occurrences, broader safety issues and unsafe situations that arise gradually. The Dutch Safety Board is authorised to perform investigations in virtually all areas. In some cases the Board is legally obligated to perform an investigation. This requirement applies to specific occurrences in aviation, shipping, on railways and in the petrochemical industry. Aside from the mandatory investigations, the Board decides which subjects and occurrences require investigation.

The aim of all investigations is to not only identify direct causes but also examine possible structural safety shortcomings and administrative processes that can influence safety. Fault and liability are emphatically not a part of the investigations conducted by the Dutch Safety Board.

The purpose of all investigations is to prevent future occurrences or limit the consequences. When structural security deficits are identified, the Dutch Safety Board can issue recommendations to the relevant parties.

Coordination protocols

It may be possible that multiple investigations are conducted into the same occurrence. In order to guarantee the independence of the Dutch Safety Board, coordination protocols have been drawn up in cooperation with the Public Prosecution Service, the Government Inspection Services and the Ministry of Defence. The protocols include agreements about coordination and information exchange. This way, investigations for the benefit of lessons learned will be performed separately from investigations performed by other parties.

Investigation abroad

Occasionally, the Dutch Safety Board's investigations are performed abroad. In those situations the Dutch Safety Board works in close cooperation with foreign safety investigation agencies, based on agreements laid down in treaties and European or national legislation and regulations.

Where possible, investigations conducted by the police and the justice authorities will support the work performed by the Dutch Safety Board. By the same token, no information is provided by the Dutch Safety Board to the police or the justice department except in the event of murder, manslaughter, a hostage situation or acts of terrorism. In those cases only specific information is provided.

3 Which authorisations does the Dutch Safety Board have?

Investigators from the Dutch Safety Board are authorised to obtain the information they need in the course of their investigation to a significant degree. In the course of their investigation they may obtain relevant information by gaining access to buildings and locations, collecting material or anything else needed for further technical research or investigation. Examples include documents, images and sound clips, data carriers, equipment or even wreckage. The investigators must always be able to provide identification.

The authorisations are enshrined in the Dutch Safety Board Act. As stipulated in Dutch law, everyone is required to fully cooperate with the investigators in the performance of their duties.

The legal powers of the investigators of the Dutch Safety Board are briefly outlined on the following pages.

Article 33

1. In the performance of their duties investigators carry a form of ID issued by the Board.
2. Investigators are required to show their ID immediately upon request.
3. The ID contains a photo of the investigator and includes at least their name and title.

Article 34

Investigators only use the legal powers granted to them for the reasonable performance of their duties.

Article 35

By ministerial decree, further rules may apply to the performance of duties assigned to investigators.

Article 36

1. Investigators are authorised to gain access to any location including the living quarters of ships with the equipment they need. Homes not on board of a ship may only be accessed with permission from the occupant.
2. Where necessary they will obtain access with help from the strong arm of the law.
3. He has authorization to be accompanied by the individuals appointed by him.
4. The legal powers referred to in the first and third paragraphs as they apply to areas and ships used by our Minister of Defence are performed with permission from Our Minister of Defence.

Article 37

Investigators are authorised to request information.

Article 38

1. Investigators are authorised to inspect business records and documents.
2. They are authorised to make copies of the information and documents.
3. In the event that it is not possible to make copies on site, investigators are authorised to confiscate the information needed for this purpose for a short period of time as long as they can show proof of authorisation.

Article 39

1. Investigators are authorised to investigate, measure and sample matters.
2. Investigators have permission to open packages.
3. Should the situation not allow the investigation, measurement or sampling to take place on site then the investigators are authorized to confiscate the information needed for this purpose for a short period of time as long as they can provide written proof of authorisation.
4. The samples taken will be returned to the extent possible.

Article 40

1. Everyone is obligated to cooperate with investigators within the timeframe determined by them for the reasonable performance of their duties.

Article 40

2. Our Minister, Our Minister of Defence and Our Minister of the Interior and Kingdom Relations can, in the performance of their duties or the duties performed by individuals who fall under their remit, indicate that the information will be treated as confidential when submitted to the Board. Confidential information is submitted to the Board by the application mutatis mutandis of Article 57. The confidential information provided will not be made public.
3. Anyone who by virtue of their office, profession or statutory requirement is bound by confidentiality may refuse to cooperate as long as this is in line with their duty of confidentiality. Those to whom a legal requirement applies that obligates them to confidentiality with the exception of any other statutory requirement for disclosure or cooperation, could also refuse cooperation on serious grounds.

4 | **How does the Dutch Safety Board investigate occurrences?**

After an occurrence that has interested the Board or an occurrence that falls within legal obligation to investigate, investigators may proceed with an exploratory investigation. If the occurrence does not fall within the legal obligation to investigate, the Board decides based on an exploratory investigation whether or not to start an investigation.

An investigation begins with the collection of all relevant information, interviewing persons involved or requesting data files and documentation. In a specific occurrence, where possible, the site of the accident will be visited and a technical investigation will be performed. Based on all the available information a structured analysis is made of the circumstances and underlying causes: what happened exactly, how did it happen and which factors played a part? Previous investigations from other parties will also be included in the analysis. The next step is to compile everything in a draft report, which will then be discussed by the Board and if applicable the supervisory committee.

The draft report will be sent to the parties involved for inspection. These parties check the report for factual inaccuracies and respond within a period of several weeks. Parties are legally obligated to secrecy as regards the draft report to be received.

The draft report will be modified using information including the comments from the inspection. Comments are substantiated by the Dutch Safety Board and published concurrently with the final report.

Together with the associated documents (appendices, comments to the draft report and any relevant animations) the final report will be published on the website. The Board determines the moment of publication.

The Dutch Safety Board believes parties involved should take the lessons learned from the investigation and apply them in practice. As such, the outcome of the investigation is generally discussed with the organisations and individuals involved. Investigators and board members will often highlight findings from investigations at meetings and conferences.

With most investigations, the Board will issue recommendations for improvement. In their response the parties show how they plan to tackle these recommendations and which progress has been made. The Board collects all reactions and assesses these together. Next, the Board drafts a response which is published on the website.

5 | How does the Dutch Safety Board conduct interviews?

The Dutch Safety Board frequently interviews individuals in the context of an investigation. For example with organisations, experts or victims involved.

Interviews are conducted by a team of two members of the Dutch Safety Board. Notes will be taken during the interview. Interviews are only recorded with the explicit knowledge and permission of the interviewee.

The contents of an interview will be summarised. The interview report is always submitted to the interviewee. He or she checks the report and includes any comments or additions. This guarantees a high level of quality. The interviewee confirms the accuracy of a report by providing a signature.

The Dutch Safety Board will not release any underlying research information or details about sources. This source protection ensures that parties involved can be completely open and honest without any negative impact on themselves or loved ones. This is the only way to truly benefit from lessons learned.

6 How does the Dutch Safety Board protect the privacy of witnesses and persons involved?

An investigation by the Dutch Safety Board starts by collecting information. To get a clear view of the nature of any occurrence or incident, the information provided must be as complete as possible. It is therefore important that witnesses and persons involved can speak freely with the Dutch Safety Board.

Statements of witnesses and persons involved will only be used in the Board's own research. Any information taken from statements and included in the investigation report is anonymised. Statements will not be published or shared with third parties, including the Public Prosecution Service and the police.

The Dutch Safety Board Act expressly stipulates that statements, information collected by the Dutch Safety Board and documents drafted by the Dutch Safety Board may not be used as evidence in criminal proceedings, disciplinary proceedings or civil proceedings. The decision to impose a disciplinary measure, administrative penalty or administrative measure cannot be based on this either.



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Report incident via telephone number

0800 6353 688

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For more information about the Dutch Safety Board and all investigation reports, visit www.safetyboard.nl.