

15 June 2012  
FOIA reference: E0001322

Dear XXXX

I am writing in respect of your recent application, of 18 May 2012, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*Further to my requests E0001258 and E0001304, under the Environment Information Regulations, please can you provide me with copies of information (letters, emails, reports, meeting minutes) sent and received by CAA on the engagement between the CAA and the London local authorities (including Hounslow, Hillingdon, Ealing, Wandsworth and Richmond) between 21st February 2012 and 18th May 2012 concerning the trials of operational freedoms at Heathrow.*

Our response:

In assessing your request in line with the provisions of the Environmental Information Regulations 2004, we are pleased to be able to attach the information requested.

In respect of two documents, we would wish to add some context to the information, for example, where plans have changed or different decisions were ultimately taken from that reflected in the information released.

In respect of an email dated 13 March 2012, with the subject 'OPERATIONAL FREEDOMS TRIAL', in practice there was only engagement on phase one until 15 May (the date of the Written Ministerial Statement on phase two of the operational freedoms trial), following which there has also been engagement with local communities on the details of phase two of the trial.

In respect of an email dated 28 March 2012, with the subject 'Operational Freedoms Timescales', the CAA and BAA reports on phase one and details on the scope and duration of phase two were published on 15 May. The DfT Business Plan (published on 31 May) states that the consultation on the results of the trial will undertaken between September and November 2013 with the Ministerial decision on operational freedoms in May 2014.

We have redacted a small number of personal email addresses and mobile telephone numbers that are not in the public domain in accordance with the Data Protection Act and Section 40 of the Freedom of Information Act (FOIA), as their release would breach the first data protection principle (a copy of this exemption is attached).

**Civil Aviation Authority**

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR [www.caa.co.uk](http://www.caa.co.uk)  
Telephone 01293 768512 [rick.chatfield@caa.co.uk](mailto:rick.chatfield@caa.co.uk)

We have also, as per your previous requests, redacted a conference call telephone number and the PIN to gain access to the calls. We have redacted these numbers as they are in ongoing use and not material to your request for information.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Mark Stevens  
External Response Manager  
Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
West Sussex  
RH6 0YR

[mark.stevens@caa.co.uk](mailto:mark.stevens@caa.co.uk)

The CAA has a formal internal review process for dealing with appeals or complaints in connection with information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

[www.ico.gov.uk/complaints.aspx](http://www.ico.gov.uk/complaints.aspx)

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield  
FOIA & EIR Case Manager

## **CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

## **Freedom of Information Act: Section 40**

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is-

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

- (i) any of the data protection principles, or
- (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress),

and

- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

*The duty to confirm or deny-*

- (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

- (b) does not arise in relation to other information if or to the extent that either-

- (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

- (ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

In determining for the purposes of this section whether anything done before 24<sup>th</sup> October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

In this section-

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.