

Finance and Corporate Services
Information Management

20 September 2011
FOIA reference: F0001203

Dear XXXX

I am writing in respect of your recent application of 24 August 2011, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

1. *In the 2010 calendar year how many times were you informed of a commercial pilot having been convicted of drink/driving?*
2. *How many of these pilots attended the CAA's Alcohol Misuse Clinic?*
3. *How many of these pilots in Q.1 were banned from flying?*
4. *Please provide a breakdown showing the airline that the pilots in A.1 were employed by at the time of their offence.*
5. *Please provide a complete breakdown of all the offences that were notified to you in 2010 of commercial pilots. If any of these individuals were banned from flying please state if the ban was permanent or temporary, what the offence was that was notified to you and what airline they were employed by at the time of the offence.*

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000, we are pleased to be able to provide the information below.

1. The CAA has been notified of 6 commercial pilots having been convicted of drink/driving during 2010.
2. All of these pilots attended the CAA's Alcohol Misuse Clinic.
3. None of these pilots were banned from flying. One was not employed in a flying job when convicted, whilst the remaining 5 returned to flying after treatment for alcohol misuse.
4. The 5 pilots that were employed in a flying job at the time of conviction were employed by comparatively small operators, each employing a relatively small number of pilots. The CAA considers that, given the small pilot groups employed by these operators, releasing details of the employers of these 5 pilots would introduce a real risk that the individuals could be identified from that information. The release of such sensitive personal data would not be fair to the individuals involved, and as

Civil Aviation Authority

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such release of the information would be a breach of the first data protection principle. As such, the details of these individual's employers is exempt from release under Section 40 of the Freedom of information Act (a copy of the exemption can be found below).

The CAA can confirm that no more than one of the pilots in question was employed by any one operator.

5. In addition to the 6 commercial pilots mentioned we can confirm that no other offences relating to commercial pilots were notified to the CAA during 2010.

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

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of 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

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 24th 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.