

Finance and Corporate Services
Information Management

16 January 2012
FOIA reference: F0001272

Dear XXXX

I am writing in respect of your recent application of 4 January 2012, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

"For each month since the new regulations were introduced in January 2010:

- how many requests has the CAA received from UK police forces for permission to fly "drones" (Unmanned Aircraft Systems and/or Unmanned Aerial Vehicles)?

- how many such requests have been declined?

- If it is achievable within the time constraints allowed for a request under the FOI Act, please provide a breakdown of which police forces made the requests, and the reasons given".

Our response:

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

- a) The total number of applications the CAA has received from Police forces is five.
- b) Of these five applications none have been declined.
- c) Applications to operate Unmanned Aerial Vehicles (UAVs) are submitted to the CAA under Articles 166(5) and 167(1) (see below) of the Air Navigation Order 2009 (ANO).

Section 44 of the FOIA provides that information is exempt information if its disclosure is prohibited by or under any enactment. Section 23 of the Civil Aviation Act (see below) is such a statutory prohibition and information which relates to a particular person (which includes a company or organisation) and has been supplied to the CAA pursuant to the ANO is prohibited from disclosure. This information is therefore exempt from disclosure under FOIA (a copy of this exemption can be found enclosed).

Articles 166(5) and 167(1) state:

Article 166(5)

Civil Aviation Authority

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk
Telephone 01293 768512 rick.chatfield@caa.co.uk

The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Article 167(1)

The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

Section 23 of the Civil Aviation Act 1982 states that:

....no information which relates to a particular person and has been furnished to the CAA in pursuance....of an Air Navigation Order shall be disclosed by the CAA...

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 44

(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it-

- (a) is prohibited by or under any enactment,
- (b) is incompatible with any Community obligation, or
- (c) would constitute or be punishable as a contempt of court.

(2) The duty to confirm or deny does not arise if the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) fall within any of paragraphs (a) to (c) of subsection (1).

Section 23 of the Civil Aviation Act is such a statutory prohibition. Accordingly, the obligations of the CAA to comply with Section 23 are unaffected by the Freedom of Information Act.

Under Section 23, information supplied to the CAA in connection with its regulatory functions and which relates to a particular individual or organisation must not be disclosed by the CAA unless such disclosure is authorised by one of the exceptions contained in Section 23 itself.