Finance and Corporate Services
Information Management

6 September 2012
FOIA reference: F0001388

Dear XXXX

I am writing in respect of your recent application of 23 August 2012, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

> *"The annual number of stowaways discovered on in-bound flights to London's airports for each of the last 5 years, with an annual breakdown for each of the following airports: Heathrow, Gatwick, Stansted, Luton and City. Please use the most recent figures available*
>
> *- Please also list:*
>
> *a) the country of origin of the flight.*
> *b) the nationality of the stowaway if known and the month the stowaway was discovered in that year.*
> *c) Whether the stowaway died during transit to the UK.*
> *d) Whether they required medical treatment on arrival at the airport".*

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.

The CAA's Mandatory Occurrence Reporting (MOR) Scheme is intended to record reportable occurrences which endangered or which, if not corrected, would have endangered an aircraft, its occupants or any other person.

The reporting of stowaways is not routinely required by the CAA. However, if a report of a stowaway has been received by the CAA it is considered as a security event and determined as reportable under the MOR scheme. It should be noted that non-UK operators are not required to submit MORs to the UK CAA.

In order to preserve the open reporting culture, which is a vital component of the UK's excellent safety record, some information which is provided to the CAA under the MOR scheme is non-discloseable under Section 44 of the Freedom of Information Act 2000 (a copy of this exemption can be found below).

Section 44 provides that information is exempt information if its disclosure is prohibited by, or under any enactment.

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

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.

We have however, searched the MOR database for any reported stowaways for flights inbound to London's airports for the dates 01 Jan 2007 up to and including all processed reports as at 30 Aug 2012 and have found three matching your criteria. We have attached a summary of these reports.

The table below provides additional information to that found on the provided summary reports and answers your request in relation to the destination of the aircraft for each report.

MOR ref:	Airport destination:
MOR 200906816	inbound to London Gatwick
MOR 201006363	inbound to London Heathrow
MOR 201210011	inbound to London Heathrow

Information pertaining to the nationality or medical condition of the stowaway is generally not provided to the CAA and therefore does not always appear within the content of the summaries.

You may also wish to contact (if you have not already done so) the UK Border Agency who may also have information relating to your request. I have provided their FOIA contact details below.

http://www.ukba.homeoffice.gov.uk/navigation/foi/

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
Information Rights and Enquiries Officer

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.

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Date Printed : 13 September 2012

Safety Regulation Group
Safety Data

Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

Direct Dial 01293 573220
Direct Fax 01293 573972
E-mail sdd@caa.co.uk

Switchboard 01293 567171
Fax 01293 573999

These records were retrieved from the UK CAA Mandatory Occurrence Reporting (MOR) system by a member of Safety Data

The MOR system records include information reported to the CAA, information obtained from CAA investigations, and deductions by CAA staff based on the available information. The authenticity of the contents or the absence of errors and omissions cannot be guaranteed. Records in this system commenced on 1 January 1976 coincident with the introduction of Mandatory Occurrence Reporting in the UK, but occurrences reported voluntarily are also included, and no distinction is made between them.

Note: Any data provided from these records are made available on the understanding that they are only to be used for purposes of flight safety and must not be used for other purposes.

SUBJECT: **Reportable occurrences involving a stowaway on board an aircraft inbound to the UK.**
PERIOD : **01 Jan 2007 to all processed reports as at 30 Aug 2012.**

A/C Type :	B757	**Occurrence Number :**	**200906816**
Flight Phase :	Parked	**Occurrence Date :**	02 Jul 2009
Classification :	Occurrences	**Location :**	Accra
Events :	3rd Party Injury / Death Ramp Incident	**Location Info :**	

Pretitle :
Following arrival on stand, u/c doors were opened for scheduled maintenance tasks and a man's body was found in forward area of LH u/c bay. Appropriate action was taken.

Precis :

A/C Type :	B747	**Occurrence Number :**	**201006363**
Flight Phase :	Parked	**Occurrence Date :**	06 Jun 2010
Classification :	Occurrences	**Location :**	Vienna
Events :	Security Event	**Location Info :**	

Pretitle :
Alleged that a stowaway arrived stowed inside the a/c wheel bay. Stowaway arrested.

Precis :

A/C Type :	B747	**Occurrence Number :**	**201210011**

Note: Any data provided from these records are made available on the understanding that they are only to be used for purposes of flight safety and must not be used for other purposes.

Flight Phase :	Cruise	**Occurrence Date :**	23 Aug 2012
Classification :	Occurrences	**Location :**	Cape Town
Events :	Security Event 3rd Party Injury / Death	**Location Info :**	

Pretitle :
Stowaway discovered on arrival. During cruise B747 crew were informed that a security fence had been breached at departure airfield and that a person was seen climbing into the a/c's undercarriage.

Precis :
Operators security office and local authorities contacted. Deceased discovered in undercarrige bay after a/c parked on stand.

Number of Records : 3