

**Finance and Corporate Services**  
Information Management

2 October 2012  
FOIA reference: F0001397

Dear XXXX

I am writing in respect of your recent application dated 5 September 2012, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*“Please could you let us have copies of prior approvals of the CAA pursuant to paragraph 3 of the licence for TAG Farnborough Airport Ltd together with notifications by the licensee to the CAA pursuant to paragraph 4 of the licence”.*

Our response:

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

The grant of an aerodrome licence is governed by Article 211 (1)(b) of the [Air Navigation Order 2009](#), which requires the CAA to grant a licence in respect of any aerodrome in the United Kingdom if it is satisfied that the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings. When an aerodrome receives its licence, it is granted on the basis that it meets aerodrome licensing criteria, unless variations to these criteria have been agreed by the CAA.

As you have highlighted in your question, the aerodrome licence conditions require that changes in the physical characteristics of the aerodrome, including the erection of new buildings and alterations to existing buildings or the visual aids, shall not be made without prior approval of the CAA. The purpose of this is to ensure that the CAA is satisfied that changes in the physical characteristics meet licensing criteria and do not present a safety hazard.

Approvals and notifications of changes in respect of aerodrome licence conditions form part of the CAA’s regulatory duties under Article 211 of the Air Navigation Order 2009 as they consist of information provided to the CAA by the aerodrome in question.

Under Section 23 of the Civil Aviation Act 1982, information supplied to the CAA pursuant to an Air Navigation Order, 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.

Section 44 of the FOIA provides that information is exempt if its disclosure is prohibited by, or under any enactment, and Section 23 of the Civil Aviation Act is such a statutory prohibition. Accordingly, the obligations of the CAA to comply with Section 23 are

**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)

unaffected by the Freedom of Information Act (a copy of this exemption can be found below):

Section 44 of the FOIA is an absolute exemption, which means that information can be withheld without considering any public interest in disclosure. However, when a licence is issued it is published on the CAA website. The currency of the licence indicates that safety standards have been met, and therefore transparency is provided.

On this basis, the information you have requested is exempt from disclosure.

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 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](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  
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.*