

Finance and Corporate Services
Information Management

28 May 2013
FOIA reference: F0001527

Dear XXXX

I am writing in respect of your recent application of 25 April 2013, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

- 1. A list of all CAA staff members, including contract staff and those employed or remunerated through personal service companies, who receive a basic salary of £65,000 per annum or more, to include both the number of staff and the posts they hold*
- 2. The details of all bonuses paid to CAA staff, including contract staff and those employed or remunerated through personal service companies, earning over £65,000 during the last financial year*
- 3. The details of all bonuses expected to be paid to CAA staff, including contract staff and those employed or remunerated through personal service companies, earning over £65,000 during the current financial year and*
- 4. The total amount CAA has paid in bonuses to all staff, including contract staff and those employed or remunerated through personal service companies, in the previous financial year and the total amount CAA is expecting to pay in the current financial year to the same individuals*

Our response:

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

1. As part of the Government's transparency agenda, the CAA submit through the Department for Transport the name and salary details (base pay + taxable allowances) of those employees earning £150,000 and above. This information is published on the Cabinet Office and data.gov.uk websites at the following link:

<https://www.gov.uk/government/publications/senior-officials-high-earners-salaries>.

The current information for the individuals concerned is detailed below. For those CAA employees whose salaries are routinely published in the CAA's Annual Report and Accounts, exact figures are provided. For the remaining employees, salaries are provided in bands of £5,000 in line with ICO guidance.

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

Name	Job Title	Salary (£)
Dame Deirdre Hutton	Chair	130,000
Iain Osborne	Group Director Regulatory Policy	175,463
Padhraic Kelleher	Head of Airworthiness	155,000-159,999
Mark Swan	Director Airspace Policy	152,050
Richard Jackson	Group Director Consumer Protection	162,553
Miss Chris Jesnick	Finance & Corporate Services Director	170,050
Gretchen Haskins	Group Director Safety Regulation	192,263
Andrew Haines	Chief Executive	260,463

The CAA is not required to publish detailed salary information below this threshold and we consider that the data you have requested constitutes personal data that would be exempt under section 40(2) of the FOIA (a copy of this exemption can be found attached).

Under Section 40(2), information is exempt from release if it constitutes personal data and the release of the information would contravene any of the data protection principles.

The individuals concerned would not have any expectation of their salary information being made public, and it would be unfair to release specific details about such individuals' personal financial circumstances. Many of the roles concerned are filled by one individual and associating salaries with job titles would reveal the salary information of identifiable individuals.

As such, providing the information you have requested would contravene the first data protection principle that personal data shall be processed fairly and lawfully.

We have, however, attached data which shows CAA pay ranges along with an indication of the sorts of roles within the ranges and can confirm that the number of staff currently earning over £65,000 is 165.

2. For the financial year 2012/13 the CAA paid a total of £53,539 in bonus payments to 39 eligible employees earning over £65,000 per annum.
3. The CAA's pay model is performance based and dependent upon the assessment of individual performance at the end of the performance year in March. As such it is not possible to predict what amount will be spent on bonuses or identify the pay range those payments will fall within for the financial year 2013/14.
4. Data relating to the last financial year is given in response to question 2 above. As with question 3, the CAA's pay model is performance based and dependent upon the assessment of individual performance at the end of the performance year in March. As such it is not possible to predict what amount will be spent on bonuses for the financial year 2013/14 or to whom bonus payments may be awarded.

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 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