Finance and Corporate Services
Information Management

7 June 2013
FOIA reference: F0001548

Dear XXXX

I am writing in respect of your recent application of 13 May 2013, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

> *"Ref: Cancellation of flight RE546 on 07 Aug 2011 - Aer Arann- our ref 149-955, Please send me all correspondence relevant in coming to this decision".*

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 correspondence you have requested consists of information provided to the CAA by the airline under Part 8 of the Enterprise Act 2002 in order to investigate disruption to your flight. Depending on the evidence received and the outcome of the case, it could have led to enforcement action against the business under Part 8 of the Enterprise Act.

As the information requested was obtained as part of the CAA's statutory functions under Part 8 of the Enterprise Act, it is treated as "specified information" for the purposes of Part 9 of that Act. Under Section 237(2) of the Enterprise Act, such information cannot lawfully be disclosed without consent unless certain prescribed conditions are met.

Section 44 (1) (a) of the FOIA provides that information is exempt from disclosure if disclosure is prohibited by, or under, any enactment. Section 237(2) of the Enterprise Act is such a prohibition on disclosure and therefore section 44 (1) (a) applies (a copy of this exemption can be found enclosed).

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:-

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

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).