

**Finance and Corporate Services**  
Information Management

9 October 2013  
FOIA reference: F0001679

Dear XXXX

I am writing in respect of your recent request of 27 September 2013, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*"I would like to request the name of the airline which was involved in the incident which took place on 13th August 2013 in which both pilots fell asleep at the same time as well as details of where the flight was travelling to and from".*

Our response:

Subsequent to the earlier release of details of this event under the Freedom of Information Act 2000 (FOIA), following clarification from the airline concerned the CAA is satisfied that while this was a reportable event, and both pilots were concerned they were suffering symptoms of severe fatigue and took controlled rest separately, they did not fall asleep at the same time. The airline is now taking steps to adjust its rostering arrangements for flight crew.

We are unable to provide the information you have requested as legislation prevents us from disclosing details of individuals or organisations who report such incidents. This guarantee of anonymity is balanced by a legal obligation on all UK airlines and pilots to report all safety-related occurrences.

Incident reports are provided to the CAA under the terms of the Mandatory Occurrence Reporting (MOR) scheme, as described under Article 226 of the Air Navigation Order 2009. Each report made is reviewed and, where appropriate, further investigation carried out and action taken.

Under Section 23 of the Civil Aviation Act 1982, information which relates to a particular person (which includes a company or organisation), and has been supplied to the CAA pursuant to an Air Navigation Order, is prohibited from disclosure. This includes reports provided under the MOR scheme.

Section 44(1)(a) of the FOIA provides that information is exempt from release if its disclosure is prohibited by, or under, any enactment, and Section 23 of the Civil Aviation Act is such a statutory provision (a copy of this exemption can be found enclosed).

**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)

In this case, providing details of the route the aircraft was operating would also identify the operator concerned.

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).