

28 March 2014
FOIA reference: F0001871

Dear XXXX

I am writing in respect of your recent request of 17 March 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

"I would like to know the number of times the CAA has registered a flight having turned off its transponder or Aircraft Communications Addressing and Reporting System mid-flight in the past five years. If the CAA has been aware of aircraft having turned off these communication devices during that period, I would like the details of which airlines/flights and, if available, an explanation of why the device was switched off".

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.

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 (ANO). Each report made is reviewed and, where appropriate, further investigation carried out and action taken.

We have searched the UK CAA database for all occurrences that have involved either a disconnection of the transponder(s) due to an instruction, unauthorised disconnection or an inadvertent action which has potentially resulted in a loss of radar contact regardless of aircraft type, nationality, operation or location during the period 1 January 2009 to all processed reports as at 17 March 2014 and provided a summary of those reports.

We have however, removed identifying information from these reports as this information is exempt from disclosure under section 44 (1) (a) of the FOIA.

Section 44 (1) (a) of the FOIA provides that information is exempt information if its disclosure is prohibited by, or under, any enactment. 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 ANO is prohibited from disclosure (a copy of this exemption can be found below).

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

For more information about the Mandatory Occurrence Reporting scheme, please refer to CAP382 which can be found at: www.caa.co.uk/cap382

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.

File number	Make/mdl/srs [Make	Headline	Narrative text
201106411	AIRBUS	Infringement of the Stansted TMZ 1 (Class G) by a C172 tracking Southeast. An A320 inbound to Luton re-routed around the contact.	Pilot aware of the TMZ procedures. It is believed that the pilot may have left the transponder in 'standby' mode when changing from 7000 to the listening squawk of 0013 at the point where transponder return disappeared from radar. Pilot has agreed to check the Mode A and C operation with a Farnborough LARS flight to ensure that the a/c does not have a transponder fault.
201106594	AEROSPATIALE	A/c advised that no transponder code was visible. A/c returned.	A/c had been delivered after a period of maintenance, and the transponder aerial was found disconnected.
201303561	CESSNA	Infringement of Heathrow CTR (Class A) by a C152. An HS125 inbound to Northolt was transferred to Northolt with less than prescribed separation, whilst a C560 was vectored so its track would not merge with the infringer's. Traffic info was not passed.	Operator alerted. Student pilot flying solo was unable to locate the arrival VRP for Denham. Pilot debriefed by the instructor and is to undertake further training focusing on the rejoin procedure. It has also been ascertained that Mode C was unavailable to the a/c due to an 'over reading' discrepancy, which became apparent a couple of days earlier.
201306160	BEECH	Primary return only showing on radar. Possible faulty transponder.	The controller repeatedly contacted the aircraft to no avail. The controller also requested the crew switch to box two which also did not work.
201306277	PIPER	Intermittent, spurious readout of primary track on radar. Possible faulty transponder.	The aircraft was working Exeter ATC and identified. ATC confirmed the altitude of the aircraft as being well below controlled airspace (approx 1000ft) rather than the mode C readout on radar of between FL140 and FL150. The pilot was requested to turn off the Mode C, which he did. ATC were informed of the issue and were requested to contact the flying club so the transponder issue could be corrected.
201306444	CESSNA	Faulty transponder. The transponder unit was over-reading the aircraft's height by 700ft. The aircraft was told to switch off its Mode C.	No avoiding action was given and no traffic info was passed.