

Corporate Communications
External Information Services

4 June 2014
FOIA reference: F0001919

Dear XXXX

I am writing in respect of your recent request of 7 May 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

"1. Please provide a full schedule of Small Planet Airline flights (whether operated under charter or scheduled through any other provider) operated from Gatwick airport in the period 01.04.13 - 05.08.13 to include the following information:

- A. Scheduled departure time*
- B. Actual departure time*
- C. Official reason given for delay*

2. Please provide a full schedule of Small Planet Airline flights (whether operated under charter or scheduled through any other provider) operated into Gatwick airport in the period 01.04.13 - 05.08.13 to include the following information:

- A. Scheduled arrival time*
- B. Actual arrival time*
- C. Official reason given for any delay*

3. Please confirm the number of complaints received by the CAA in relation to flights operated by Small Planet Airlines in the period 01.01.13 - 31.12.13".

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), while the CAA does hold the information you have requested in parts one and two, we are unable to provide it to you.

1. Major UK airports provide operating and traffic data to the CAA in accordance with Section 84 (1) (d) (iii) of the Civil Aviation Act 1982, which requires aerodrome licence holders to provide information to the CAA upon request.

The release of information that is supplied to the CAA pursuant to Section 84 (1) (d) (iii) of the Civil Aviation Act 1982 is prohibited from disclosure by Section 23 of that Act. Under Section 23, any information which relates to a particular person or organisation, and has been furnished to the CAA in pursuance of any provision of the Civil Aviation Act to which Section 23 applies, must not be disclosed by the CAA unless such disclosure is authorised by one of the exceptions contained in Section 23 itself.

Civil Aviation Authority

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk
Telephone 01293 768512 foirequests@caa.co.uk

Section 23(6) defines those provisions to which Section 23 applies, which include Section 84.

Section 44 (1) (a) 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 unaffected by the FOIA (a copy of this exemption can be found below).

2. See answer one.
3. During the period requested, the CAA has received 256 complaints in relation to flights operated by Small Planet Airlines.

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).