

16 June 2014
FOIA reference: F0001933

Dear XXXX

I am writing in respect of your recent request of 16 May 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

"I wish to see all CAA internal e mail, memoranda, internal reports & computer presentation material relating to the CAP168 compliance by BRISTOL AIRPORT since January 2010.

In particular, the internal CAA communications, memoranda, internal reports and computer presentation material relating to the undertaking given by BRISTOL Airport to the AAIB about work to make it's runway compliant with CAB168.

Specifically in relation to the AAIB findings regarding Boeing 767-324 (G-OOBK). Also CAA internal communication, email, memoranda, internal reports and presentation material regarding the timetable for work by BRISTOL Airport on it's runway between 2010 & the present".

Our response:

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

As explained in our response to your previous request reference F0001897, the grant of an aerodrome licence is governed by Article 211 of the [Air Navigation Order 2009](#) (ANO) and information relating to CAP168 compliance at a particular aerodrome is provided to the CAA as part of our regulatory duties under Article 211. We also explained that, under Section 23 of the Civil Aviation Act 1982, information supplied to the CAA pursuant to an Air Navigation Order, and which relates to a particular individual or organisation, is prohibited from disclosure.

Although your request focuses on internal communications, any such communications stem from, and are inextricably linked to, information supplied to the CAA by Bristol Airport. As such, they are also prohibited from disclosure by Section 23 of the Civil Aviation Act 1982. This principle has previously been considered by the Information Commissioner in decision notice [FS50205237](#).

Section 23 does allow information to be disclosed where such disclosure is authorised by one of the exceptions contained in Section 23 itself, including Section 23(1)(a), which allows disclosure where the person to whom the information relates has consented to disclosure. We have approached Bristol Airport who have consented to release the attached information. We have, however, redacted the names of individuals that are not in senior, public facing roles in accordance with Section 40(2) of the FOIA as to release the information would be unfair to the individuals concerned and would therefore, contravene the first data protection principle that personal data shall be processed fairly and lawfully (a copy of this exemption can be found below). We have also redacted information that is not relevant to your request.

We have not received consent to release any other information relating to Bristol Airport and, therefore, this information is exempt from disclosure under Section 44(1)(a) of the FOIA. Section 44 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 Freedom of Information Act (a copy of this exemption can be found below).

The CAA does not hold any information relating to any undertaking given by Bristol Airport to the AAIB.

In relation to your request for information regarding the timetable for work to Bristol Airports' runway, the CAA does not hold any relevant information as we have not been notified of any planned work.

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).

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.

(4) 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).

(5) 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).

(6) 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.

(7) 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.

Chatfield Rick

[REDACTED]

[REDACTED]

From: Ritchie Graeme
Sent: 17 May 2012 09:43
To: [REDACTED]
Cc: Riensema Kirsten; [REDACTED]
Subject: FW: Runway Risk Assessment

[REDACTED]

Further to our reply last week we've also asked Bristol for an update on their risk assessment regarding the runway profile and slope tolerances. Their reply is attached below and demonstrates that it remains a live issue which will continue to be monitored and remedial action taken when and where practicable.

If you have any questions please do not hesitate to contact me.

Regards

Graeme

Graeme Ritchie
Senior Strategy and Standards Officer
Aerodrome Standards Department

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[REDACTED]

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✉ graeme.ritchie@caa.co.uk
🌐 www.caa.co.uk

From: [REDACTED]
Sent: 16 May 2012 17:16
To: Ritchie Graeme
Cc: [REDACTED]
Subject: FW: Runway Risk Assessment

Hi Graeme

I think Rob's response clearly identifies that their SMS is working effectively and they undertake regular risk assessments relating to the runway profile.

All the best

[REDACTED]

From: [REDACTED]@bristolairport.com]

Sent: 16 May 2012 17:03

To: [REDACTED]

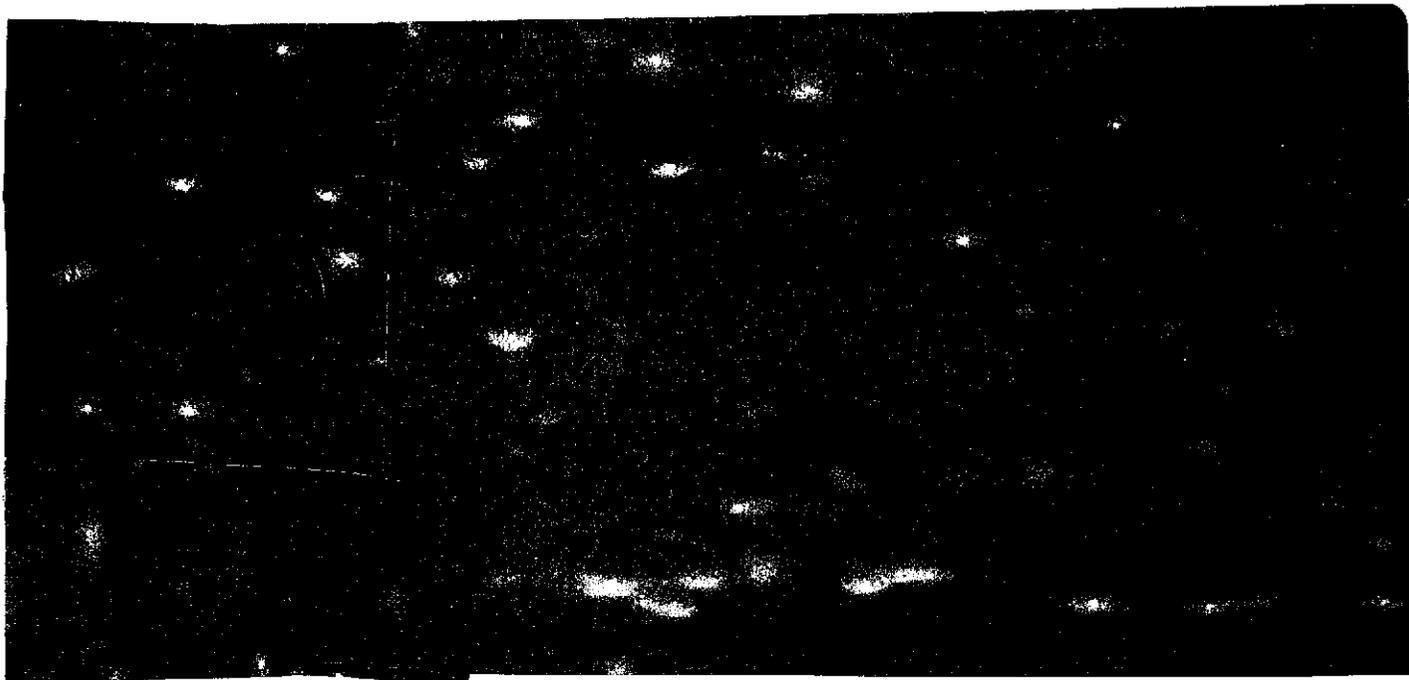
Cc: [REDACTED]

Subject: RE: Runway Risk Assessment

[REDACTED]

The current updated assessment was originally carried out on 27th January 2011, that was after the incident involving G-OOBK on 3rd October 2010. I can confirm that the assessment was subsequently updated on 16th March 2011 following comments from a review by CAA ASD and was fully reviewed by BRS Ops again on 25th January 2012 in line with the requirements of our SMS.

During the review on 25th January no changes or events were identified that would have an impact on the relevance of the current assessment. There have been no significant changes in runway usage in terms of frequency or aircraft type, physical characteristics or AGL since the original assessment was produced.



If I can be of any further assistance to you on this matter, please do not hesitate to contact me.

Kind regards,

[REDACTED]

[REDACTED]



From: [REDACTED]@caa.co.uk
Sent: 16 May 2012 10:43
To: [REDACTED]
Subject: Runway Risk Assessment

Good morning [REDACTED]

You are most likely aware that the AAIB has published its recommendations regarding the hard landing of G-OOBK on 3 October 2010, which is of interest to the senior management in CAA. While reviewing the history of the runway profile at Bristol I have reviewed your 'Project Risk Identification and Mitigation' statement dated 27 January 2011, which states that the risk assessment shall be reviewed at annual intervals to ensure that any changes or events can be taken into account.

Can you please confirm whether you have reviewed the risk assessment for this current period and whether you have identified any changes or events that are relevant.

Your early response would be welcome.

Regards

[REDACTED]

[REDACTED] • Aerodrome Inspector • Aerodrome Standards Department
• Aviation House • Gatwick Airport • RH6 OYR • ✉ [REDACTED]@caa.co.uk

[REDACTED]

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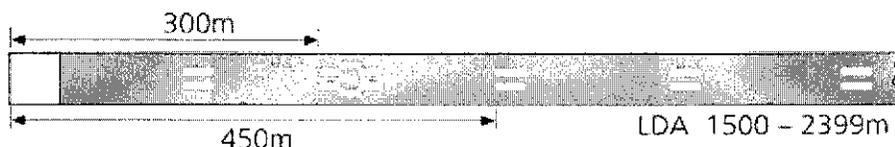
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Riensema Kirsten

From: [REDACTED]
Sent: 06 October 2010 09:14
To: [REDACTED]@aaib.gov.uk
Cc: [REDACTED] Riensema Kirsten; [REDACTED]
Subject: 767 at Bristol 3 October 2010

I have briefed [REDACTED] on this occurrence; here is some preliminary information:

The runway slope from 09 threshold to the "hump" is compliant, interpolated from the current Type A chart (<3m vertical change, upslope, over 400m horizontal = c. 0.75%; CAP 168, Chapter 3, paragraph 3.3.3 - "The first and last quarters of runways where the code number is 3 or 4 should not exceed a slope of 0.8% (1:125).") The diagram below is for a runway with landing distance available between 1500-2399 metres showing the aiming point and two straddling TDZ markers in the first quarter (CAP 168, Chapter 7, figure 7.25); Bristol's LDA for 09 is 1938m:



You queried whether there is a standard for calibrating anemometers in case a faulty one could be a contributory factor. ASD has no regulatory oversight of such equipment - anemometers are not mentioned at all in CAP 168. The person with oversight of such matters is [REDACTED] Head of UK Meteorological Authority, at DAP [REDACTED] [mailto:\[REDACTED\]@caa.co.uk](mailto:[REDACTED]@caa.co.uk).

It is worth mentioning at this stage that the UK AIP AD 2.20, paragraph 4 contains a warning: e. Caution, pilots may experience windshear/turbulence, especially if the wind is strong southeasterly (using Runway 09) or strong westerly (using Runway 27)

and remarks on runway characteristics in AD 2.12 - Runway physical Characteristics - serial 12, 'Remarks':

Remarks: Pilots should note that when using Runway 27, there is a 395 m area of the runway that provides a forward sight distance of less than 1006 m (for an eye height of 3 m above the runway surface) between 630 m and 1025 m after the start of the LDA located in the middle of the runway length.

Pilots should note that when using Runway 09, there is a 240 m area of the runway that provides a forward sight distance of less than 1006 m (for an eye height of 3 m above the runway surface) between the start of the LDA and 240 m after the start of the LDA located in the area of the Runway 09 threshold and start of the 09 TDZ.

[REDACTED] is away today, auditing Gatwick Airport, but will subsequently be able to assist with any further questions. I have also included in the addressees the nominated Rescue and Firefighting Inspector - [REDACTED]

Regards