

[REDACTED]
[REDACTED]

15 September 2016
Reference: F0002867

Dear [REDACTED]

I am writing in respect of your recent request of 1 August 2016, for the release of information held by the Civil Aviation Authority (CAA). I am sorry for the delay in responding to your request.

Your request:

' Please provide copies of all information detailing the permission given by the CAA to Amazon for tests in the UK to explore the viability of delivery of small parcels by drone. I understand the CAA has allowed Amazon to explore: * operations beyond line of sight * obstacle avoidance and flights where one person operates multiple autonomous drones. My request is for copies of all information showing the permission/agreement by the CAA for such tests.'*

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.

Please refer to attachment 1, where you will find a copy of the exemptions issued to Amazon. You will find that some information contained within the exemptions have been redacted, it is the CAA's view that the information should not be released for the reasons set out below. A copy of the relevant exemptions can be found at the end of this letter.

Section 44 – Prohibitions on disclosure

Information which was submitted to the CAA by Amazon in support of their application for an exemption from the Air Navigation Order 2009 (ANO) has been redacted. The release of information that was provided to the CAA as part of the requirements to obtain an exemption from the ANO is prohibited from disclosure by Section 23 of the Civil Aviation Act 1982. Under Section 23, any information which relates to a particular person or organisation, and has been furnished to the CAA pursuant to an Air Navigation Order, must not be disclosed by the CAA unless such disclosure is authorised by one of the exemptions contained in Section 23 itself.

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. Section 44 is an absolute exemption and is not subject to the public interest test.

Civil Aviation Authority

Aviation House Gatwick Airport South Gatwick RH6 0YR. www.caa.co.uk

Telephone: 01293 768512. foi.requests@caa.co.uk

Section 43 – Commercial interest

The CAA's view is that the exemptions contain some information, which is unique to Amazon's drone operations and is commercially sensitive. Such information is exempt under Section 43(2) of the FOIA, which covers information where disclosure would, or would be likely to, prejudice the commercial interest of any person. A person may be an individual, company, the public authority itself or any other legal entity.

Release of this information into the public domain would make commercially sensitive information about Amazon's drone operations available to competitors, revealing Amazon's operational strategies, which has the potential to be exploited by competitors. Disclosure would therefore prejudice the commercial interests of Amazon by affecting fair competition.

As Section 43 is a qualified exemption, we have also considered whether, in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosure.

The public interest in disclosing the information include the general principles of transparency and open government, the public right of access to information held and how the CAA performs its regulatory roles. The CAA recognises that with the increased use of drones over recent years, there is a broader public interest in how the CAA considers applications for the use of drones.

However, there is a strong public interest in allowing companies to carry out their commercial activities, free from outside pressures and in a fair competitive environment, without having their work exploited by competitors.

Having considered the factors on both sides the CAA has concluded that, in relation to the information redacted in accordance with Section 43(2), the public interest in disclosure is outweighed by the public interest in maintaining the exemption and the information has, therefore, been withheld.

Section 40 – Personal Information

We have redacted personal data from these documents 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. Section 40 is an absolute exemption and is not subject to the public interest test.

We have recently published our response to a request relating to Amazon, which may be of interest to you. This can be found at http://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Our_work/Information_requests/Disclosure_log/2016/F0002892Reply.pdf.

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:-

Caroline Chalk
Head of External Information Services
Civil Aviation Authority
Aviation House
Gatwick Airport South
Gatwick
RH6 0YR

caroline.chalk@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 FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office
FOI/EIR Complaints Resolution
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely

A handwritten signature in black ink that reads "Rihanne Stephen". The signature is written in a cursive style with a large initial 'R'.

Rihanne Stephen
Information Rights 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 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.

Freedom of Information Act: Section 43

- (1) Information is exempt information if it constitutes a trade secret.
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

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).

CIVIL AVIATION AUTHORITY

Air Navigation Order 2009

EXEMPTION – Unmanned Aircraft

1. The Civil Aviation Authority, in exercise of its powers under Article 242 of the Air Navigation Order 2009 (“the said order”), as amended, hereby exempts [REDACTED] (“the operator”) from the provisions of the said Order with the exception of Articles 15, 120, 129, 132-139, 149, 151, 158, 161, 223-226, 228, 230-233, 236, 238-241, 243, 255-257, 259, 260 thereof, for the purpose of test and development flights of the following Unmanned Aircraft (“the said aircraft”):
 - (a) Various experimental unmanned aircraft (multirotor, fixed-wing and hybrid types) of MTOM not exceeding 30kg.

at [REDACTED]
 - (b) [REDACTED] as stated at [REDACTED] effective 08 June 2015;
2. The commander(s) of the said aircraft shall be Operators In Command (OIC) as designated by the operator.
3. This Permission is granted subject to the following conditions, namely, that the said aircraft shall not be flown:
 - (a) other than within direct, unaided visual-line-of-sight (VLOS) and in VMC conditions. In addition to the commander of the said aircraft, the operator shall utilise one or more additional observers to assist in alerting the commander to any hazard arising from aircraft or persons encroaching onto or above [REDACTED]
 - (b) unless the flights are conducted in accordance in compliance with the [REDACTED] effective 08 June 2015, except where varied by this permission or by future amendments to this permission;
 - (c) at a height exceeding **400 feet** above ground level;
 - (d) at a distance beyond the visual range of the person in charge of the said aircraft, or a maximum range of **500 metres**;
 - (e) directly overhead or within 150 metres of any congested area of a city, town or settlement.
 - (f) directly overhead or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - (g) directly overhead or within 50 metres of any person, vessel, vehicle or structure that is not under the control of the person in charge of the said aircraft, except that during take-off and landing this distance may be reduced to 30 metres;
 - (h) unless the permission of the landowner on whose land the said aircraft is intended to takeoff and land, has been obtained;
 - (i) unless it is equipped with a mechanism that will cause the said aircraft to land or intentionally cease flying in the event of disruption to or a failure of any of its control systems, including the radio link, and the operator/OIC of the said aircraft has satisfied himself that such mechanism is in working order before the aircraft commences its flight;

- (j) unless the operator of the said aircraft has reasonably satisfied himself that any load carried by the aircraft is properly secured, that the said aircraft is in an airworthy condition and that the flight can safely be made taking into account the wind and other significant weather conditions;
 - (k) unless the person in charge of the said aircraft maintains records of each flight made pursuant to this Permission and makes such records available to the Authority on request;
 - (l) unless the said aircraft is insured in accordance with Regulation (EC) 785/2004 on insurance requirements for air carriers and aircraft operators.
4. All persons under the control of the operator of the said aircraft at the operating site and who could be affected by the planned flight operations, must have received a written or oral safety and operational brief on the proposed flight operations and, where necessary, have rehearsed their actions during the planned flight operations.
5. This Permission shall have effect during daylight hours over the period **08 September 2015 to 08 September 2016**, unless subsequently varied, suspended or revoked.

Date: 08 September 2015

for the Civil Aviation Authority

Ref: 20160816 [REDACTED] PAndE+20kg
SSC Technical Services 01293 573528

Distribution:

[REDACTED], CAA ISP [REDACTED] [@caa.co.uk](mailto:[REDACTED]@caa.co.uk)
[REDACTED] ([REDACTED] [@amazon.co.uk](mailto:[REDACTED]@amazon.co.uk) [REDACTED] [@amazon.co.uk](mailto:[REDACTED]@amazon.co.uk))

CIVIL AVIATION AUTHORITY

Air Navigation Order 2009

EXEMPTION – Unmanned Aircraft – Extended Visual Line of Sight (EVLOS)

1. The Civil Aviation Authority, in exercise of its powers under Article 242 of the Air Navigation Order 2009 (“the said order”), as amended, hereby exempts [REDACTED] **Amazon Prime Air** (“the operator”) from the provisions of the said Order with the exception of Articles 15, 120, 129, 132-139, 149, 151, 158, 161, 223-226, 228, 230-233, 236, 238-241, 243, 255-257, 259, 260 thereof, for the purpose of test and development flights of the following Unmanned Aircraft (“the said aircraft”):
 - (a) Various experimental unmanned aircraft (multirotor, fixed-wing and hybrid types) of MTOM not exceeding 30kg.

at [REDACTED]
 - (b) [REDACTED] as stated at [REDACTED] effective 08 June 2015 and as amended by the [REDACTED] effective 17 September 2015;
2. The commander(s) of the said aircraft shall be Operators in Command (OIC) as designated by the operator.
3. This Permission is granted subject to the following conditions, namely, that the said aircraft shall not be flown:
 - (a) other than within direct, unaided visual-line-of-sight (VLOS) and in VMC conditions. In addition to the commander of the said aircraft, the operator shall utilise one or more additional deployed visual observers to assist in alerting the commander to any hazard arising from aircraft or persons encroaching onto or above [REDACTED];
 - (b) unless the flights are conducted in accordance with the [REDACTED] effective 08 June 2015 and the [REDACTED] effective 17 September 2015, except where varied by this permission or by future amendments to this permission;
 - (c) at a height exceeding **400 feet** above ground level;
 - (d) at a distance beyond the visual range of the person in charge of the said aircraft, or a maximum range of **500 metres (see EVLOS procedures at paragraph 4)**;
 - (e) directly overhead or within 150 metres of any congested area of a city, town or settlement.
 - (f) directly overhead or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - (g) directly overhead or within 50 metres of any person, vessel, vehicle or structure that is not under the control of the person in charge of the said aircraft, except that during take-off and landing this distance may be reduced to 30 metres;
 - (h) unless the permission of the landowner on whose land the said aircraft is intended to takeoff and land, has been obtained;
 - (i) unless it is equipped with a mechanism [REDACTED] that will cause the said aircraft to land or intentionally cease flying in the event of disruption to or a failure of any of its control systems, including the primary radio link, and the operator/OIC of the said aircraft has satisfied himself that such mechanism is in working order before the aircraft commences its flight.

Each of the said aircraft capable of flying in wing-borne flight shall in addition have a fail-safe reversionary mode [REDACTED] that, in the event that the communications link to the main controller is lost or the [REDACTED] is activated, the aircraft enters a [REDACTED] or a [REDACTED]
[REDACTED]

- (j) unless the operator of the said aircraft has reasonably satisfied himself that any load carried by the said aircraft is properly secured, that the aircraft is in an airworthy condition and that the flight can safely be made taking into account the wind and other significant weather conditions;
- (k) unless the person in charge of the said aircraft maintains records of each flight made pursuant to this Permission and makes such records available to the Authority on request;
- (l) unless the said aircraft is insured in accordance with Regulation (EC) 785/2004 on insurance requirements for air carriers and aircraft operators.

EVLOS procedures:

- 4. Additionally, if a flight takes place in accordance with the [REDACTED] effective 17 September 2015, then paragraph 3(d) shall not apply provided that:
 - (a) the flight(s) are NOTAMed;
 - (b) for each flight, the operator calculates and applies the necessary lateral extent of the [REDACTED] in relation to the said aircraft's performance. In all cases of wing-borne flight, the lateral extent of the [REDACTED] shall not be less than that shown at Schedule 1 ([REDACTED]). Multirotor aircraft shall not be flown closer than [REDACTED]
[REDACTED]
 - (c) direct, unaided visual contact with the said aircraft sufficient to monitor its flight path for the purposes of avoiding collisions is maintained. This requirement may be met by using [REDACTED]
[REDACTED] referred to in the [REDACTED]
- 5. All persons under the control of the operator of the said aircraft at the operating site and who could be affected by the planned flight operations, must have received a written or oral safety and operational brief on the proposed flight operations and, where necessary, have rehearsed their actions during the planned flight operations.
- 6. This Permission shall have effect during daylight hours over the period **09 November 2015 to 09 November 2016**, unless subsequently varied, suspended or revoked.

Date: 09 November 2015

for the Civil Aviation Authority

Ref: 20160816 [REDACTED] PAndE+20kgEVLOS
SSC Technical Services 01293 573528

Distribution:

[REDACTED], CAA ISP [REDACTED] ([\[REDACTED\]@caa.co.uk](mailto:[REDACTED]@caa.co.uk))
[REDACTED] ([\[REDACTED\]@amazon.co.uk](mailto:[REDACTED]@amazon.co.uk)) [REDACTED] ([\[REDACTED\]@amazon.co.uk](mailto:[REDACTED]@amazon.co.uk))

Attachments: Schedule 1 [REDACTED] Amazon Prime Air Flight Test Area – Wing-borne Flights