

[REDACTED]
[REDACTED]

13 October 2016
Reference: F0002929

Dear [REDACTED]

I am writing in respect of your recent request of 23 September 2016, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

'Please provide copies of the following information held by the CAA relating to multi-rotor Unmanned Aircraft Systems (drones) with a launch weight between 1kg to 4kg:-

- a) Reports and presentations, whether formally issued or internal informal documents, which review, analyse or otherwise assess the in-flight reliability of currently available aircraft/systems. If possible the information should identify aircraft/systems by manufacturer and model.*
- b) Demonstrated or estimated/calculated Mean Time Between Failure (MTBF) of such aircraft/systems*
- c) Summaries, identified by manufacturer and model, of failures, incidents and accidents known to the CAA. If possible the summary should identify the root cause of each event.'*

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.

Response to points A and B

The UK regulatory framework for small unmanned aircraft is structured around a minimum regulatory requirement proportionate with the considered safety risk to other airspace users and the general public. The applicable regulations are contained within Article 94 and 95 of the [Air Navigation Order 2016](#), as well as a general requirement to 'not endanger' within Article 241. These regulations impose limitations on *how* and *where* the aircraft is operated, rather than place any reliance on the technical capabilities and/or reliability of any specific product.

Civil Aviation Authority

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

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

This approach places a clear responsibility on the person in charge of the aircraft to assure safe use through management of the situation. Small unmanned aircraft are not required to be approved or certified and, as a result, this means that we do not have a need to gather and analyse detailed technical information about the large range of small unmanned aircraft that are available on the market. As such we have not requested, nor do we hold, the type of information you request.

Response to point C

Following its implementation on 15 November 2015, occurrence reports are held by the CAA in accordance with Regulation (EU) No. 376/2014 on the reporting, analysis and follow up of occurrences in civil aviation ("the Regulation"). The aim of this is to improve aviation safety by ensuring that relevant safety information relating to civil aviation is reported, collected, stored, protected, exchanged, disseminated and analysed.

The civil aviation safety system is established on the basis of feedback and lessons learned from accidents and incidents. Occurrence reporting and the use of occurrence information for the improvement of safety depend on a relationship of trust between the reporter and the entity in charge of the collection and assessment of the information. This requires strict application of rules on confidentiality. The purpose of protecting safety information from inappropriate use, and of limiting access to occurrence information solely to interested parties participating in the improvement of civil aviation safety, is to ensure the continuing availability of safety information so that appropriate and timely preventive action can be taken and aviation safety improved. The Regulation requires that appropriate measures are put in place to ensure that information collected through occurrence reporting schemes is kept confidential, and that the information should be used strictly for the purpose of maintaining or improving aviation safety and should not be used to attribute blame or liability.

Article 15(2) of the Regulation states:

Without prejudice to the provisions relating to the protection of safety information in Articles 12, 14 and 15 of Regulation (EU) No 996/2010, information derived from occurrence reports shall be used only for the purpose for which it has been collected.

Member States, the Agency and organisations shall not make available or use the information on occurrences:

- (a) in order to attribute blame or liability; or*
- (b) for any purpose other than the maintenance or improvement of aviation safety.*

The CAA therefore considers that the disclosure of occurrence information into the public domain in response to a FOIA request is not permitted by the Regulation and that the information you have requested is exempt from disclosure under section 44(1)(b) of the FOIA. Under section 44(1)(b), information is exempt information if its disclosure is incompatible with any EU obligation.

Disclosure of information for the purpose of maintaining or improving aviation safety

However, if you consider that you require the information for the purpose of maintaining or improving aviation safety, you are able to make an application to the CAA on that basis using the form at www.caa.co.uk/srg1605.

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



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 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 EU 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).