

[REDACTED]

28 November 2016
Reference: F0002978

Dear [REDACTED]

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

Your request:

'For the period 1 October 2010 - 30 September 2016 please inform me of:

- 1) *Small business ATOL holders.*
 - a. *How many SBA holders failed?*
 - b. *How many passengers were affected by the failure?*
 - c. *What was the cost incurred by the CAA and the ATTF due to these failures?*
 - d. *What was the value of contributions (ATOL fees and APCs) made to the CAA by those failed SBA holders?*

- 2) *Full ATOL holders*
 - a. *How many full ATOL holders failed?*
 - b. *How many passengers were affected by the failure?*
 - c. *What was the cost to the ATTF by these failures?*
 - d. *What was the value of contributions (ATOL fees and APCs) made to the CAA by those failed full ATOL holders?'*

Our response:

Your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA). Before we respond to the specific questions raised in your request, it may be helpful to provide you with some contextual information in relation to the ATOL Scheme.

The ATOL scheme, which is managed by the CAA, is a statutory financial protection system. It comprises of the ATOL licensing scheme which ensures that only businesses regarded as financially robust and fit are awarded ATOLs, and a financial protection scheme so that if an ATOL holder fails, affected consumers are either repatriated or receive a replacement holiday or a refund.

The Air Travel Trust (ATT) funds the cost of administering this financial protection, under its primary purpose to provide compensation for consumers, and it is the ATT that repatriates consumers and refunds them for losses incurred as a result of the failure of an ATOL holder. By an agreement with the ATT, the CAA acts as agent for the ATT in exercising those powers. The ATT is not a public authority subject to the provisions of FOIA.

Civil Aviation Authority

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

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

The information for parts a, b and c of both questions is publicly available in the ATT's Reports and Accounts, which is available at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=list&type=sercat&id=40&filter=1>

Please note that all Small Business ATOL (SBA) holders are restricted to a 500 passenger limit.

In relation to part d of both questions, the value of ATOL fees was £42,675 from SBA holders and £183,345 from full ATOL holders.

The value of APCs is information held on behalf of the ATT and not by the CAA within the meaning of Section 3(2) of the FOIA. This states that information is only held by the public authority if "it is held by the authority, otherwise than on behalf of another person". As the ATT is not subject to the provisions of the Act, neither the CAA nor the ATT are required by the FOIA to disclose this information.

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.