

[REDACTED]  
[REDACTED]

6 March 2018  
Reference: F0003584

Dear [REDACTED]

I am writing in respect of your recent request of 2 February 2018, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*'The flight schedule of both inbound and outbound flights from Birmingham international for 2016.'*

Our response:

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we can confirm that although the information you have requested is held by the CAA, is it exempt from disclosure under Section 44(1)(a) of the FOIA.

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. 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 the exemption can be found below).

Section 23 does allow the CAA to disclose information with consent, and while we do not have consent to disclose a full list of inbound and outbound flights, we do have an agreement from airports to disclose information about individual flights where passengers have suffered delays. If there is a particular flight you are interested in, please provide us with details relating to the flight and we will check our records.

**Civil Aviation Authority**

Aviation House Gatwick Airport South Gatwick RH6 0YR. [www.caa.co.uk](http://www.caa.co.uk)

Telephone: 01293 768512. [foi.requests@caa.co.uk](mailto:foi.requests@caa.co.uk)

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](mailto: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).