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3 April 2018
Reference: F0003625

Dear [REDACTED]

I am writing in respect of your recent request of 28 February 2018, for the release of information held by the Civil Aviation Authority (CAA).

Your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA).

You asked for information to be provided on the following:

- ***The procedures that airports are instructed to adopt in relation to the processing of hand luggage to be taken on an aircraft***

In respect of your request, the key objective of aviation security is to prevent prohibited articles from being taken through the Security Control of an airport, and onto an aircraft. Every person and every article entering the Security Restricted Area of an airport must be screened in compliance with European Aviation Security Regulation. This requirement can be found in Chapter 4, Regulation EU 2015/1998, which is directly applicable in the UK, and is publically available. To expand on this, all cabin baggage carried by passengers, and items held by persons other than passengers must be screened on entry into the Security Restricted Area of an airport, which is a mandatory regulatory requirement. All bags that are rejected for search must be searched by officers, so as to ensure, as far as is reasonably practicable, that no prohibited articles are taken into the Security Restricted Area of an airport and onto an aircraft.

As a Member State of the European Union, the UK must comply with all mandatory European aviation security measures, and in addition the UK Government imposes additional mandatory measures on UK airports through regulation, via the Department for Transport, who are responsible for UK policy for aviation security matters. The CAA is responsible for applying relevant regulation according to both European mandatory regulation and measures imposed by the UK Government and for ensuring compliance with regulation.

Civil Aviation Authority

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

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

Information for passengers on how they can best comply with regulation is available on the internet and can also be obtained by telephone from airports and airlines, and is also available in written format if requested. Airports also display notices in areas before passengers enter the security area.

Further information concerning how the searching of cabin baggage is conducted is security classified and is not published. The CAA believes that the disclosure of detailed information relating to the search of cabin baggage could be damaging to national security and we are therefore withholding it in accordance with the exemption at section 24 of the FOIA. Section 24 exempts information from disclosure pursuant to section 1(1)(b) of the Act where non-disclosure is necessary to safeguard national security.

The CAA is of the view that in order to safeguard national security information about such procedures should not be made public, as otherwise it would permit those with ill-intent to target areas which they may perceive as being relatively vulnerable.

In the CAA's view, the national security of the UK includes the protection of UK citizens and their assets (wherever they may be) against acts of terrorism and violence. Moreover, national security also requires the protection of the UK's economic well-being, to which the aviation industry contributes substantially. For this reason it has been judged that Section 24 applies to this request.

Since the exemptions from disclosure permitted by Section 24 of the Act are not absolute, the CAA has also considered in respect of the request whether the public interest is best served by disclosing or withholding the information we hold. In applying the public interest test, the CAA took into account that disclosure of the information requested could benefit the public in a number of ways. Specifically, disclosure could contribute to passengers being more aware of how they pack their cabin baggage, thus contributing to the reduction in the number of bags rejected. Disclosure could also promote a spirit of openness and transparency. However, the CAA's concern to prevent disclosure of detailed information of this nature to those with harmful intent has far more weight than the arguments in favour of disclosure.

There is a clear and strong public interest in safeguarding the security of passengers in all modes of transport. Events have shown that terrorists continue to seek to avoid or subvert transport security measures. If detailed information relating to processes was put into the public domain it may undermine aviation security by helping terrorists to identify ways to circumvent security procedures, and use them to carry out potentially successful acts of terrorism. This danger is present even where only a limited amount of information is disclosed as incomplete or partial information can be used to supplement information already in the public domain and can be used to build a clearer picture of the UK's aviation security performance. This would have the potential for death or injury to passengers and staff and people living or working under flight paths, as well as associated reputational, financial and economic damage.

After considering the arguments outlined above, the CAA has concluded that the public interest in disclosure is outweighed by the public interest in maintaining the exemption. We have therefore withheld the information under Section 24(1) of the FOIA and are unable to provide you with this information.

In your letter you have stated that you have been told that changes in an airport's procedures are directed by the CAA. This is true in respect of mandatory regulation; the CAA does provide all regulatory requirements to airports in the UK and will inform of any regulatory amendments, however airports are at liberty to implement their own procedures in order for them to effectively comply with regulatory requirements or for reasons of passenger facilitation. As you have stated in your letter, requirements at UK airports differ somewhat from other Member States in the European Union as all Member State governments may add to the baseline regulation as they see fit for their country.

You also state that you dispute that the over-zealous conduct of the Civil Aviation Authority and airport Security Officers is concerned for the safety of passengers. The role of the Civil Aviation Authority has been explained, and all Security Officers have a responsibility to ensure that no items stated in the Prohibited Articles List, as set out in Chapter 4, attachment 4-C of Regulation EU 2015/1998 enter the Security Restricted Area, either carried on a passenger or in cabin baggage. Although not exhaustive, this attachment lists articles that could be used to injure or to threaten either the safety or security of civil aviation. Security Officers carry out their duties according to mandatory training, in accordance with regulation.

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 24

- (1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.
- (2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.
- (3) A certificate signed by a Minister of the Crown certifying that exemption from section 1(1)(b), or from section 1(1)(a) and (b), is, or at any time was, required for the purpose of safeguarding national security shall, subject to section 60, be conclusive evidence of that fact.
- (4) A certificate under subsection (3) may identify the information to which it applies by means of a general description and may be expressed to have prospective effect.