

[REDACTED]
[REDACTED]

16 April 2018
Reference: F0003641

Dear [REDACTED]

I am writing in respect of your recent request of 15 March 2018, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

'We are currently coming towards the end of a complaint cycle with Ryanair and the respective ADR. We feel that we would like to pursue legal challenges to recuperate consequential losses as part of the misleading information provided by Ryanair to it's customers.'

'To aid our case, we please request any copies of correspondence received from Ryanair to the CAA regarding series of cancellations last year, in particular any information regarding their policy changes concerning rerouting via alternative airlines.'

Our response:

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are unable to provide the information requested.

The information that you have requested was provided by Ryanair to the CAA in connection with the CAA's statutory functions under Part 8 of the Enterprise Act 2002 ("EA02") and is 'specified information' for the purpose of Part 9 of EA02. Under Section 237(2) of EA02, such information cannot lawfully be disclosed unless one of the gateways contained in Part 9 EA02 is engaged.

Section 239 of EA02 provides a gateway for the release of specified information if consent is obtained from the relevant third party (i.e. Ryanair in this case) The CAA sought consent from Ryanair, but the airline has not consented to disclosure. The CAA has considered the other possible gateways for the release of this information pursuant to Part 9 EA02, and has concluded that none of the other gateways can be utilised in this instance in order to permit disclosure of the information.

The CAA has, therefore, concluded that the disclosure of the information requested is prohibited by Section 237(2) of EA02. Section 44 (1)(a) of the FOIA provides that

Civil Aviation Authority

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

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

information is exempt from disclosure if disclosure is prohibited by, or under, any enactment. Section 237(2) of EA02 is such a prohibition on disclosure and therefore Section 44 (1)(a) of FOIA applies (a copy of this exemption can be found below).

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).