

[REDACTED]  
[REDACTED]

29 November 2018  
Reference: F0004006

Dear [REDACTED]

Thank you for your request of 2 November 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).

Your request:

*'I am writing to you to request the following information under the Freedom of Information Act 2000:*

- 1. The number of people seeking employment at each UK airport who are the subject of Criminal Record Checks, Counter Terrorist Checks and National Security Vetting during each of the past 10 years.*
- 2. The number of people failing each of the above checks during each of the last 10 years*
- 3. The maximum length of time it takes for each of the above checks to be completed*

*Please provide the information in table form, breaking down the information by each airport, each type of check and each year. If you do not hold this information, please could you identify which public body or organisation does hold this information.'*

Our response:

The checking of criminal records of individuals seeking employment at UK airports is part of a "background check", which is the responsibility of employers and airport operators. The CAA does not hold information relating to the number of people who undergo a background check, this information is likely to be held by the prospective employer of those seeking employment at airports. Additionally, the final decision on issuing an airport pass, which requires the successful completion of a background check, rests with the airport pass issuing authority. The CAA does not hold any information relating to these decisions, whether completed successfully or not.

Based on our engagement with the industry, the CAA understands that it takes on average two to three months to complete a background check. This includes all elements of the background check (confirming the person's identity, employment and education history,

**Civil Aviation Authority**

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

Email: [foi.requests@caa.co.uk](mailto:foi.requests@caa.co.uk)

including any gaps of more than 28 days, plus Criminal Record Certificates (CRCs) for any and all states of residence of more than six months in the last five years).

Details of the turnaround times to obtain a UK Basic Disclosure can be obtained from the three disclosure authorities:

- Disclosure and Barring Service: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- Disclosure Scotland: <https://www.mygov.scot/organisations/disclosure-scotland/>
- Access Northern Ireland: <https://www.nidirect.gov.uk/campaigns/accessni-criminal-record-checks>

The CAA does not hold any information relating to the turnaround times for obtaining overseas Criminal Record Certificates.

Since 1 April 2014, the CAA has been responsible for granting or refusing Counter-Terrorist Checks (CTCs) of persons in certain aviation roles. CTCs are one of three levels of National Security Vetting (NSV) and is the only level of NSV required by regulation for certain activities and functions in the aviation industry.

The CAA believes that the disclosure of information relating to National Security Vetting has the potential to be damaging to national security. Revealing details of the National Security Vetting process beyond that which we publish on our website, and that which is published by the Cabinet Office and UK Security Vetting on the gov.uk website, including revealing details of the volume of applications or refusals, provides the opportunity to attempt to identify and / or exploit perceived vulnerabilities in the UK's security vetting procedures.

Therefore, although we do hold information that is in scope of your request this information is exempt from disclosure under 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.

As Section 24 is a qualified exemption, we have also considered whether, in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosure.

The public interest in disclosing the information include the general principle of transparency, open government and the public right of access to information held. The CAA also recognises that the disclosure of the information could benefit the public by providing visibility of the standards applied to personnel working within the aviation security environment and reinforce confidence in security vetting procedures.

However, 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 information relating to security vetting processes and outcomes 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. Ultimately, the potential result of undermining aviation security is 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.

This reasoning is recognised by the Information Commissioner who states in her guidance that 'The Commissioner also recognises terrorists can be highly motivated and may go to great lengths to gather intelligence. This means there may be grounds for withholding what

seems harmless information on the basis that it may assist terrorists when pieced together with other information they may obtain.'

After considering the arguments outlined above, the CAA has concluded that, in all the circumstances of the case, the public interest in disclosure is outweighed by the public interest in maintaining the exemption and we have, therefore, withheld the information under Section 24 of the FOIA. 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](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

A handwritten signature in cursive script that reads "Jade Fitzgerald".

Jade Fitzgerald  
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.