

[REDACTED]
[REDACTED]

3 January 2019
Reference: F0004071

Dear [REDACTED]

Thank you for your request of 29 December 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 would like to a copy of the log / record of the circumstances surrounding the diversion of my flight following a technical error please. The flight is information is as follows:

*EZY1971 Manchester to Funchal (Easyjet) on Friday 14th December 2018.
Departure 14:50 Arrival was scheduled for 18:55 but flight was diverted to Porto, Portugal.'*

Our response:

As the UK's aviation regulator, we work to ensure that the aviation industry meets the highest safety standards and that consumers are protected and treated fairly when they fly.

But we do not have a role in day-to-day airline operations, so we do not monitor individual flights and we are not routinely informed of the reasons for disruption to flights (including diversions) unless it is the result of a reportable safety event.

Mandatory Occurrence Reports

Section 1(1)(a) of FOIA requires a public authority to inform a requester whether it holds the information specified in the request. This is known as 'the duty to confirm or deny'. However, there may be occasions when the Act allows a public authority to respond by refusing to confirm or deny whether it holds the information and, in this case, we can neither confirm nor deny we hold relevant information to the above request.

Any safety concern, meeting the criteria to be reported, would be provided to the CAA under the Mandatory Occurrence Reporting (MOR) scheme. An occurrence means any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person.

Occurrence reports are held by the CAA in accordance with [Regulation \(EU\) No. 376/2014](#) on the reporting, analysis and follow up of occurrences in civil aviation ("the Regulation"). The aim of this is to improve aviation safety by ensuring that relevant safety information

Civil Aviation Authority

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

Email: foi.requests@caa.co.uk

relating to civil aviation is reported, collected, stored, protected, exchanged, disseminated and analysed.

The civil aviation safety system is established on the basis of feedback and lessons learned from accidents and incidents. Occurrence reporting and the use of occurrence information for the improvement of safety depend on a relationship of trust between the reporter and the entity in charge of the collection and assessment of the information.

The purpose of protecting safety information from inappropriate use, and of limiting access to occurrence information solely to interested parties participating in the improvement of civil aviation safety, is to ensure the continuing availability of safety information so that appropriate and timely preventive action can be taken and aviation safety improved. The Regulation requires that appropriate measures are put in place to ensure that information collected through occurrence reporting schemes is kept confidential, and that such information is not made available or used for any purpose other than for the maintenance or improvement of aviation safety.

The CAA therefore considers that the disclosure of occurrence information into the public domain in response to a FOIA request is not permitted by the Regulation and that the information you have requested is exempt from disclosure under section 44(1)(b) of the FOIA. Under section 44(1)(b), information is exempt information if its disclosure is incompatible with any EU obligation.

Disclosure of information for the purpose of maintaining or improving aviation safety

However, if you consider that you require the information for the purpose of maintaining or improving aviation safety, you are able to make an application to the CAA on that basis using the form at www.caa.co.uk/srg1605.

Pursuing a claim

Information about your rights when your flight is delayed or cancelled, along with advice about how to pursue a claim, can be found on our website at <http://www.caa.co.uk/Passengers/Resolving-travel-problems/Delays-cancellations/Making-a-claim/Claiming-for-costs-and-compensation/>.

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

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 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).