

[REDACTED]

1 April 2021  
Reference: F0005182

Dear [REDACTED]

Thank you for your request of 2 March 2021, for the release of information held by the Civil Aviation Authority (CAA). We have considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA).

Your request and our response:

*(1) Details of reports received by the Authority in the previous 5 years to date, under its Mandatory Reporting Scheme (MORs) relating to incidents at HIAL aerodromes at Barra, Campbeltown, Islay & Tiree.*

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 FOIA 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.

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"). At the end of the transition period on 31 December 2020 the Regulation, as amended by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019, is retained in UK law in accordance with The European Union (Withdrawal) Act 2018.

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. The aim of the Regulation is to improve aviation safety by ensuring that relevant safety information 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.

**Civil Aviation Authority**

Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR. [www.caa.co.uk](http://www.caa.co.uk)

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

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)(a) of the FOIA. Under section 44(1)(a), information is exempt information if its disclosure is prohibited by or under any enactment.

### **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](http://www.caa.co.uk/srg1605).

*(2) Details of the CAA job title or grade (job description and qualifications) of who would undertake the assessment process and check the accuracy of an application submitted using form DAP1916 - Statement of Need: Intended Change to Notified Airspace.*

The Statement of Need (SoN, DAP 1916) is the means by which a sponsor of an airspace change proposal must set out clearly the identified need as to why an airspace change is being proposed.

[CAP 1616](#) also states that the CAA will review the SoN and will use this information to decide whether the change will be a Level 0 change. If it is confirmed by the CAA as Level 0, the SoN is published and the CAA's confirmation that it is Level 0 is published, but the change does not progress through the rest of the airspace change process.

Therefore, based on the above, there is no requirement for a formal Assessment Meeting (AM) if the sponsor has annotated on a SoN that they believe that it is a Level 0 change and the Airspace Regulator (Technical) agrees with this assessment upon reviewing it. To ensure impartiality and verify the assessment opinion of the Airspace Regulator (Technical), a second Airspace Regulator (Technical) reviews the SoN and evidence. If agreement is not reached then a full AM would be required with the sponsor to ascertain the details and make a decision on whether an airspace change is the relevant option to investigate as well as a provisional indication of any appropriate scaling and level. Ascertaining the confirmation of a Level 0 by a second Airspace Regulator (Technical) goes above the requirements of CAP 1616 but is best practice. CAP 1616 stipulates at Table 3, Page 75 that an Airspace Regulator can be the decision maker for a Level 0 ACP.

Once an ACP is confirmed as a Level 0 change, the SoN and a statement by the CAA confirming it is a Level 0 change should be published on the Portal to ensure transparency.

Specifically, regarding ACP-2019-064, the change is nomenclature only and does not impact tracks over the ground or the volume of aircraft who can utilise the approach; therefore, it has been concluded that this is a Level 0 ACP.

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:-

@caa.co.uk

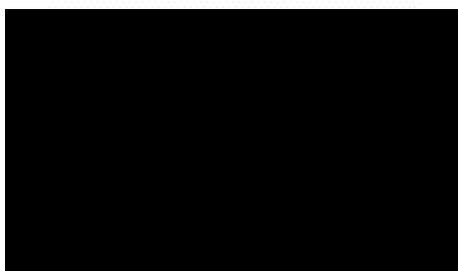
The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set out in the attachment. A request for an internal review should be submitted within 40 working days of the date of this letter.

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



## **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.

(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).