

I Hudson
request-745798-988bc32d@whatdotheyknow.com

5 May 2021
Reference: F0005228

Dear Mr Hudson

Thank you for your request of 11 April 2021, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

Please can you provide the date and title of any emails from 1st February onwards with the word Aintree or racecourse.

Our response:

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

Date (2021)	Subject Title
01/02	Re: [REDACTED] - inquiry - (L9 5AS)
01/02	Re: [REDACTED] - inquiry - (L9 5AS)
01/02	Re: [REDACTED] - inquiry - (L9 5AS)
08/02	[REDACTED] - Application - (L9 5AS) - 19th Feb & 20th Feb 2021
11/02	Re: [REDACTED] - Application - (L9 5AS) - 19th Feb & 20th Feb 2021
11/02	Re: [REDACTED] - Application - (L9 5AS) - 19th Feb & 20th Feb 2021
11/02	Re: [REDACTED] - Application - (L9 5AS) - 19th Feb & 20th Feb 2021
11/02	Re: [REDACTED] - Application - (L9 5AS) - 19th Feb & 20th Feb 2021
11/02	Re: [REDACTED] - Application - (L9 5AS) - 19th Feb & 20th Feb 2021
15/02	General enquiry
16/02	Royal Ascot 2021 - Heliport Update
16/02	FW: General Enquiry
16/02	RE: General enquiry
17/02	20210217 - Notification of Searchlights and Laser
17/02	Re: 20210217 - Notification of Searchlights and Laser
17/02	Re: 20210217 - Notification of Searchlights and Laser
18/02	Police Enquiry
25/02	RE: CAA Annual Audit
25/02	FW: Letter regarding drone activity over ARC race tracks
25/02	EXTERNAL RESPONSE - CHAIR/CEO CORRES: Ref ER 21128 - FROM [REDACTED] REPLY REQUIRED BY 04 March 2021

Civil Aviation Authority

Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR. www.caa.co.uk

Email: foi.requests@caa.co.uk

25/02	RE: Letter regarding drone activity over ARC race tracks
25/02	RE: Letter regarding drone activity over ARC race tracks
26/02	RE: Letter regarding drone activity over ARC race tracks
26/02	RE: Letter regarding drone activity over ARC race tracks
26/02	RE: Letter regarding drone activity over ARC race tracks
26/02	AINTREE 2021 GRAND NATIONAL
01/03	Pre Planning Consultation 231504
02/03	AINTREE 2021 GRAND NATIONAL
02/03	ESMA discussion to be had
05/03	Aintree @021
05/03	Royal Ascot 2021 - Heliport Update 2
08/03	RE: Letter regarding drone activity over ARC race tracks
08/03	RE: Letter regarding drone activity over ARC race tracks
08/03	RE: Letter regarding drone activity over ARC race tracks
08/03	Aintree @021
08/03	On Line course
08/03	FW: On Line course
09/03	Accreditation
09/03	Re: NOTAM Request
10/03	Assignments /allocations
10/03	RE: Letter regarding drone activity over ARC race tracks
10/03	ER21128: Draft ready: FW: Letter regarding drone activity over ARC race tracks
10/03	FW: Letter regarding drone activity over ARC race tracks
10/03	RE: Licenced helicopter aerodrome
11/03	MRI (UNCLASSIFIED)
12/03	AINTREE 2021 GRAND NATIONAL
16/03	[REDACTED] - 'official partners of the CAA'
18/03	RE: False CAA claims – [REDACTED]
18/03	RE: False CAA claims – [REDACTED]
21/03	General enquiry
22/03	RE: General enquiry
22/03	REQUEST FOR INPUT - FOIA Request F0005202 REPLY REQUIRED BY 14 APRIL 2021
22/03	AINTREE 2021 GRAND NATIONAL
23/03	RE: REQUEST FOR INPUT - FOIA Request F0005202 REPLY REQUIRED BY 14 APRIL 2021
23/03	RE: REQUEST FOR INPUT - FOIA Request F0005202 REPLY REQUIRED BY 14 APRIL 2021
23/03	Pre Planning Consultation LPL16572
24/03	Re: ACP Horse Related Enquiry
26/03	Use of drones at race courses
29/03	[REDACTED]
29/04	FW: Drone Letter – Beverley Racecourse
30/03	Re:20210330 Crowded Space/Race Courses/ [REDACTED] etc
30/03	Re:20210330 Crowded Space/Race Courses/ [REDACTED] etc
30/03	Re:20210330 Crowded Space/Race Courses/ [REDACTED] etc
01/04	FW: Drone Letter – Beverley Racecourse
01/04	AINTREE 2021
01/04	AINTREE 2021
01/04	Royal Ascot Heliport 2021 - Quick Survey
06/04	RE: Drone Flights at Gosford Park, Newcastle upon Tyne
06/04	Health Questionnaire
07/04	Health Questionnaire
07/04	Aintree 2021 – [REDACTED]
07/04	Aintree 2021 – [REDACTED]

07/04	Aintree 2021 SRG 1841
07/04	FW: Aintree 2021 SRG 1843
07/04	Congested Area Landing
07/04	Aintree 2021 [REDACTED]
07/04	AINTREE EXEMPTION
08/04	CAA FORM 1843
08/04	AINTREE EXEMPTION
08/04	Health Questionnaire
08/04	Permission / Exemption Request
09/04	RE:Permission / Exemption Request
09/04	FW:Permission / Exemption Request
09/04	RE: [REDACTED] Permission
09/04	Aintree Permission
09/04	Aintree Permission
09/04	Aintree Permission
09/04	Aintree Permission
09/04	CAA FORM 1843
09/04	[REDACTED] PERMISSION
09/04	AINTREE 2021 GRAND NATIONAL
09/04	[REDACTED] PERMISSION
09/04	[REDACTED] – GRAND NATIONAL PERMISSION
09/04	AINTREE 2021 GRAND NATIONAL
09/04	CAA FORM 1843 [REDACTED]
09/04	[REDACTED]
09/04	RE: [REDACTED]
09/04	RE: [REDACTED]
09/04	Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	RE: Aintree Races
09/04	Hull [REDACTED]
09/04	[REDACTED] shared “[REDACTED]@Civil Aviation Authority” with you
09/04	RE: [REDACTED] shared “[REDACTED]@Civil Aviation Authority” with you
09/04	Aintree Grand National – Drone Activity – [OFFICIAL – SENSITIVE]
10/04	Further Intelligence – [REDACTED]
10/04	RE: Aintree Races
10/04	FW: STLA Sig

Information which is exempt from disclosure

Section 40(2)

We have redacted personal information where disclosure of such personal information would be unfair. The individuals concerned would not have had an expectation that their personal data would be disclosed, and the CAA can identify no legitimate interest that would be served by disclosing this personal information. Disclosure would therefore be a breach of one of the data protection principles contained in Article 5 of the GDPR, specifically Article 5(1)(a), which states that personal data shall be ‘processed lawfully, fairly and in a transparent manner in relation to the data subject ...’ Section 40(2) of the FOIA provides an exception from the duty to disclose information that would contravene any of the data protection principles (a copy of this exemption can be found below).

Section 44(1)(a)

We have also redacted information which relates to applications/ requests which have been made to the CAA in accordance with articles of the Air Navigation Order 2016 (ANO).

Under Section 23 of the Civil Aviation Act 1982, information which relates to a particular individual or organisation, and has been supplied to the CAA pursuant to an Air Navigation Order, is prohibited from disclosure by the CAA.

Section 44(1)(a) of the FOIA provides that information is exempt if its disclosure is prohibited by, or under, any enactment and Section 23 of the Civil Aviation Act 1982 is such a statutory prohibition. Accordingly, such information is exempt from disclosure under Section 44(1)(a) of the FOIA. A copy of this exemption can be found below.

Section 31(1)(g)

We have also redacted the names of organisations we regulate for the reason provided below.

Section 31(1)(g) of the FOIA states that information is exempt if its disclosure under this Act would, or would likely to, prejudice the exercise by any public authority of its functions for the purposes specified in subsection (2).

Certain correspondence sent and received by the CAA is in relation to individuals or organisations we regulate, and is part of our ongoing safety oversight of those organisation, the purpose of which is to check their ongoing safety performance and compliance with relevant legal requirements.

Our oversight activities form part of the CAA's regulatory functions for the purposes of:

- Ascertaining whether any person has failed to comply with the law,
- Ascertaining whether any person is responsible for any conduct which is improper,
- Ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise

These are all functions listed under subsection (2).

In order for the CAA's safety oversight to be effective, confidentiality is a key element. Assessments benefit from exchanges with organisations which are unrestrained, frank and candid. Therefore, to maintain an effective safety oversight regime, the continuing willingness of organisations and their management to fully engage and support the process without the threat of public recrimination is of key importance.

Organisations must be confident that the CAA's oversight of them will not lead to disclosure of confidential information about their business. Such information could be exploited by competitors if made public, and may lead to financial or other loss. More importantly, the disclosure of such information into the public domain would erode the trust between the organisation and the CAA, and is likely to cause the organisation concerned to be less open with the CAA, thus compromising the CAA's ability to carry out our safety oversight role and prejudicing our ability to regulate effectively.

Section 31 is a qualified exemption and is subject to the public interest test. We have therefore considered whether, in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosing the information.

The public interest in disclosing the information includes the general principles of transparency and open government; the public right of access to information held; and reinforcing public confidence in aviation safety and the way the CAA regulates.

However, it is vital that the CAA is able to engage with the aviation industry so that there is full and open discussion between the CAA and those we regulate on safety matters. The free flow of essential safety information depends upon the industry's complete confidence that any matter can be discussed without fear that the pressures of the public arena might delay action or distort the safety focus. The CAA relies on such information to discover illegal or improper conduct, assess the need for regulatory action and judge the fitness and competence of the organisation concerned.

As mentioned above, our oversight can include the provision of, and discussions relating to, commercially sensitive information and the CAA's safety oversight of any organisation is conducted on the understanding that what is discussed is confidential. Should such information be placed in the public domain, against that understanding, it would make organisations reluctant to cooperate and hinder the CAA's regulatory functions outlined above.

Having considered the arguments on both sides the CAA has concluded that the public interest in disclosure is outweighed by the public interest in maintaining the exemption and disclosure is therefore withheld as being exempt under Section 31(1)(g). A copy of this exemption is provided 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@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



Mark Stevens
External Response Manager

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) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if
 - (a) it constitutes personal data which does not fall within subsection (1), and
 - (b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

- (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or
- (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

- (i) would (apart from this Act) contravene any of the data protection principles, or
- (ii) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;

(b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the GDPR (general processing: right to object to processing);

(c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);

(d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(6)

(7) In this section—

“the data protection principles” means the principles set out in—

- (a) Article 5(1) of the GDPR, and
- (b) section 34(1) of the Data Protection Act 2018

“data subject” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the GDPR”, “personal data”, “processing” and references to a provision of Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4), (10), (11) and (14) of that Act).

(8) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.

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).

Freedom of Information Act : Section 31

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
- (i) any inquiry held under the Fatal Accidents and Sudden Deaths enquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

(2) The purposes referred to in subsection (1)(g) to (i) are-

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
- (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
- (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,
- (e) the purpose of ascertaining the cause of an accident,
- (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
- (g) the purpose of protecting the property of charities from loss or misapplication,
- (h) the purpose of recovering the property of charities,
- (i) the purpose of securing the health, safety and welfare of persons at work, and
- (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).