

Simon Brown  
request-889307-be53c1ec@whatdotheyknow.com

Date: 16 September 2022  
Reference: IR-F0005834

Dear Simon Brown,

**Internal review under the Freedom of Information Act (2000) – Ref: F0005834**

Thank you for your request for an internal review received by the CAA on 8 September 2022. I am sorry that you are dissatisfied with our attempts to handle your request under the terms Freedom of Information Act 2000 (FOIA). I am the reviewing officer appointed to undertake the internal review and I am writing to provide a response. I have had no involvement in the original response to your request.

This is an appeal by Simon Brown against the CAA's decision F0005834 that the original request dated 22 August 2022 is exempt from disclosure by way of section 44 (prohibitions on disclosure)(by virtue of Section 23 of the Civil Aviation Act 1982 by way of Air Navigation Order 2016 Article 86) of the FOIA.

Your original enquiry, the CAA's response and your request for an internal review are copied below within the explanatory annex.

The CAA has now concluded its internal review. It is my finding that the original decision, communicated to you in our response dated 8 September 2022, was correct and therefore **the original decision that the information is exempt from disclosure by way of section 44 of the FOIA (prohibitions on disclosure)(by virtue of Section 23 of the Civil Aviation Act 1982 by way of Air Navigation Order 2016 Article 86)is upheld at internal review stage.**

**Background**

Your information request was received by the CAA on the 22 August 2022. The CAA responded to your request on the 8 September 2022 stating that the information had been furnished to us and thus it was exempt from release by way of section 44 of the FOIA (prohibitions on disclosure)(by virtue of Section 23 of the Civil Aviation Act 1982 by way of Air Navigation Order 2016 Article 86).

You then contacted the CAA on the 8 September 2022 requesting an internal review of this decision.

**Scope of an Internal Review**

**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)

It might be useful if I set out the scope of an internal review. The CAA is required to investigate the handling and outcomes of your original request. You, as the applicant, may raise concerns as to why you think the CAA (and any exemptions relied upon) were incorrect in our application of the terms of the FOIA.

An internal review cannot, therefore, address issues outside of the scope of the original request.

I have reviewed all the correspondence related to your enquiry and it is clear to me that the information that we hold, that you have asked for, was provided to us under the Civil Aviation Act 1982 and there is an absolute prohibition on disclosure. I appreciate that this response may be disappointing.

Therefore, I would like to provide some hopefully additional context which a) may provide some more information about the map we hold but are not able to disclose to you and b) may enable you to access the information you seek in a publicly available way. The map we have sets out the area over which the flight displays took place and appears to contain information relating to air traffic management (heights of flight displays, areas where no aerobatics should take place and where no flying should take place.) It does not appear to contain any information on road closures, which from reviewing your correspondence appears may be of interest to you. I have checked publicly available information, and if you haven't already seen them, the following links may be of interest in relation to road closures, the first one is an archived version of the local council website which includes a map of road closures for the event:

<http://web.archive.org/web/20220716001413/https://www.rushmoor.gov.uk/parking-and-roads/traffic-management-and-roadworks/farnborough-international-airshow-traffic-information/>

<https://ashparish.org/2022/07/17/farnborough-airshow-2022-traffic-changes/>

### **Handling and Timeliness**

I have reviewed the handling of your enquiry to satisfy myself that it was processed in accordance with the terms of the FOIA. Below is a short timeline of your information request:

1. Your request was received on the 22 August 2022
2. The CAA responded on the 8 September 2022

Your request was answered within 12 working days. I am therefore satisfied that your request was handled in a timely and professional manner in accordance with the terms of the FOIA.

### **Further information**

For further information on Section 44 (Prohibitions on Disclosure) exemption under the terms of the FOIA please visit the website of the independent regulators, the Information Commissioner's Office: Section 44 Guidance notes.

### **Conclusion**

The CAA is committed to the principles of openness, transparency and public engagement. This is evident by the publication of information available on our website .

Having reviewed your original request, its handling and outcomes at internal review stage, it is, as mentioned above, the CAA's position that our original decision communicated to you on 8 September 2022 was correct and is therefore upheld at internal review stage; **the**

**information is withheld by way of section 44 of the FOIA (prohibitions on disclosure)(by virtue of Section 23 of the Civil Aviation Act 1982 by way of Air Navigation Order 2016 Article 86).**

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

Miranda King  
FOI Reviewer

## **Explanatory Annex**

### **Original enquiry and our reply**

Thank you for your request of 22 August 2022, for the release of information held by the Civil Aviation Authority (CAA). For reference your original request was follows:

*I am interested in seeing a copy of the map(s) that was produced and submitted by the organisers of the Farnborough Air show that was held between 11th of July 2022 and the 22nd of July 2022.*

*I believe there is a requirement as per section 2.6 of CAP403 to create and supply such map(s) and I would be most grateful if a copy could be supplied?*

Your request has been considered in line with the provisions of the Freedom of Information Act 2000 (FOIA). It is the CAA's position that the information requested is exempt by way of Section 44 of the FOIA (prohibitions on disclosure)(by virtue of Section 23 of the Civil Aviation Act 1982 by way of Air Navigation Order 2016 Article 86).

### **Section 44 (prohibitions on disclosure)**

Section 44(1)(a) of the FOIA provides that information is exempt if its disclosure is prohibited by, or under any enactment. It is the CAA's position that section 23 of the Civil Aviation Act 1982 is such a statutory prohibition and therefore the information requested is exempt from release.

### **Section 23 Civil Aviation Act 1982**

Under section 23 of the Civil Aviation Act 1982, any information which relates to a particular person or organisation and has been furnished to the CAA in pursuance of an Air Navigation Order, must not be disclosed by the CAA unless such disclosure is authorised by one of the exceptions contained in section 23 itself. In this case the provision relied upon is Article 86 of Air Navigation Order 2016.

### **Further information**

For further information on Section 44 (Prohibitions on Disclosure) exemption under the terms of the FOIA please visit the website of the independent regulators, the Information Commissioner's Office: Section 44 Guidance notes.

### **Internal review request**

I am writing to request an internal review of Civil Aviation Authority's handling of my FOI request 'Farnborough Air Show CAP403 Map'.

The information of interest - aka "the map" - is limited to understanding the extent of road and area closures that were enabled during the air show.

The public were furnished with copies of the road closures but no copy of the area(s) marked as restricted or closed were provided.

Thus the request is limited to information that the public ought to be party to; namely areas of land and roads that were to be closed during the display.

The logic is simple; how can the public understand what areas are subject to exclusion and plan avoidance if a map is not provided?

I have been advised the Article 86 Permission document is treated as a public document.

