

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 31 January 2023

**Public Authority:** Civil Aviation Authority  
**Address:** Aviation House  
Beehive Ring Road  
Crawley  
West Sussex  
RH6 0YR

### Decision (including any steps ordered)

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1. The complainant made a request for the "g info database in CSV format". The CAA refuse to disclose the requested information under section 21 FOIA.
2. The Commissioner's decision is that section 21 FOIA was applied correctly by the CAA in this case.
3. The Commissioner requires no steps to be taken.

### Request and response

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4. On 15 December 2022 the complainant made a request for the following information:  
  
"Under FOI, could I please have a copy of the g info database in CSV format for some analysis research I am carrying out"
5. The CAA responded on 5 January 2023 and refused to disclose the requested information under section 21 FOIA.
6. The complainant requested an internal review 6 January 2023.
7. On 17 January 2023 the CAA provided the internal review, it upheld the application of section 21 FOIA.

### Scope of the case

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8. The complainant contacted the Commissioner on 18 January 2023 to complain about the CAA's application of section 21 FOIA.

### **Reasons for decision**

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9. Section 21 of the FOIA provides that:
- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
  - (2) For the purposes of subsection (1) –
    - (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
    - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliging by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
  - (3) For the purpose of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.
10. The CCA referred to the Commissioner's guidance document – Information reasonably accessible to the applicant by other means (section 21) – in particular paragraphs 29-31:
- "30. There are two main areas where information will be considered reasonably accessible even though payment is required- information that is available by means of other legislation which also permits a charge to be made, and information that is made available via a public authority's publication scheme. For example, Companies House is able to charge fees under various statutory regulations for the inspection or provision of copies of documents relating to the registration of companies and partnerships; and any public authority can charge for publications, which may include journals or books which it makes available on a commercial basis, as long as they are listed, together with the cost, in its publication scheme. In such cases, information is generally reasonably accessible even though the payment may exceed that which would be payable via FOIA."

11. The CAA said that it provided the complainant with links which contain information as to how an applicant can purchase the requested information on CD for £400 inc VAT. It said that as a "fees notice" had been published, the information can be deemed to be reasonably accessible to the complainant by other means and therefore section 21 FOIA was correctly applied in this case.
12. The complainant has argued that the requested information is available free of charge in other countries and so the CAA should provide this information without a charge.
13. It is not relevant to the application of section 21 FOIA whether other countries provide the requested information free of charge. The CAA has clearly set out the charges to provide the requested information on its website and details of how to apply. The information is therefore reasonably accessible to the complainant. Despite the fact that the information is accessible only on the payment of a charge, this does not preclude the CAA from relying upon section 21 FOIA in this case. The Commissioner therefore considers that the exemption was applied correctly.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from: First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [grc@Justice.gov.uk](mailto:grc@Justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed**.....

**Gemma Garvey**

**Senior Case Officer**

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**