

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 14th February 2006

Name of Public Authority: Department for Transport

**Address of Public Authority: Great Minster House
76 Marsham Street
London
SW1P 4DR**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on several occasions the following information has been requested from the Air Accidents Investigation Branch under section 1 of the Freedom of Information Act 2000 (the "Act"):

The registration details and the airline names of five aircraft that were grounded on the evening of 21st December 1988, along with the reasons for the grounding of these aircraft and the authority that implemented the action.

It is alleged by the complainant that the Air Accidents Investigation Branch holds the information requested but has failed to provide it in accordance with the requirements of the Act.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

In response to the complainant's requests the Air Accidents Investigation Branch, part of the Department for Transport, repeatedly informed the complainant that it did not hold any records relating to the alleged grounding or impounding of aircraft on 21st December 1988 and nor did it have the authority to authorise any such grounding or impounding.

The Commissioner has been advised by the Air Accidents Investigation Branch that they have undertaken a review of their files and have confirmed that they do not hold the information requested by the complainant. The

Commissioner is satisfied with the assurances given by the Air Accidents Investigation Branch and considers that the complainant's requests have been dealt with in accordance with section 1(1) of the Act.

Section 1(1) of the Act states:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

Action Required

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the Air Accidents Investigation Branch.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 14th day of February 2006

Signed:

Graham Smith
Deputy Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF