

30 April 2018

Dear Dr Alexander

Freedom of Information Act Request – F0015863 – Internal Review

I am writing to you regarding your email that you sent to me on Tuesday 3rd April 2018. This follows on from the Air Accidents Investigation Branch (AAIB) response of 3rd April 2018 to your FOI request which you made to the AAIB on 3rd March 2018.

Your request was as follows:

“Please disclose copies of all AAIB staff surveys undertaken by AAIB or on behalf of AAIB for the following years 2010/2011 to 2017/2018”.

The AAIB responded. Its response advised you that the AAIB did hold the information but it was being withheld under an exemption at section 36(2)(c) of the Freedom of Information Act because its disclosure would, or would be likely to, prejudice the effective conduct of public affairs.

In applying this qualified exemption, the AAIB was required to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure were shown in the response the AAIB provided to you. On balance the public interest favoured withholding the information.

In your email of the 3rd April 2018 you said that AAIB’s staff survey results are a matter of public interest and you would be very grateful for my help in ensuring appropriate release of this information. You are asking that the AAIB reconsider their response to the original FOI request and release the information you are seeking.

The AAIB are treating your request for this information as an internal review. As Chief Inspector of the Air Accidents Investigation Branch I have carried out an independent internal review. I confirm that I was not involved in the handling of your original request. My findings are set out below.

INTERNAL REVIEW

As part of the Internal Review I have asked the officials who dealt with your original request to reconsider their response. They confirm they hold the information you have requested on AAIB staff survey results dating back to 2010.

They have said that in their view the information held is protected from release under an exemption at section 36(2)(c) of the Freedom of Information Act because its disclosure would, or would be likely to, prejudice the effective conduct of public affairs. As this is a qualified exemption they have applied the public interest test and concluded any disclosure would prejudice the effective conduct of public affairs.

They added the AAIB cannot release staff survey information within each grade. If they were to disclose this detailed information for such a small group of staff it could be used coupled with information already in the public domain or known to staff working in the AAIB to identify individuals. AAIB staff have a reasonable expectation that their answers to staff survey questions will not be placed into the public domain. To do so would be unfair and would contravene the first data protection principle of fairness. Therefore this information is also exempt under the Freedom of Information Act, section 40(2)&(3) exemption relating to the use of third party personal information.

They also added that as the AAIB is an integral part of the Department for Transport (DfT) all AAIB staff are employed directly by DfT. DfT publishes its People Survey results annually and the information (which incorporates AAIB), including previous years, is available on the www.gov.uk website at the following web link:

<https://www.gov.uk/government/publications/department-for-transport-civil-service-people-survey>

ANALYSIS AND CONCLUSIONS OF INTERNAL REVIEW

To help me consider the issues in this case and assess the evidence I have taken advice from Freedom of Information specialists in the Central Department for Transport.

After assessing the evidence, I conclude the AAIB was correct to prohibit release of the staff survey information under the exemption at section 36(2)(c) and that the absolute exemption at section 40(2)&(3) of the Freedom of Information Act is also engaged and applies.

I have reviewed the public interest test arguments that you were provided with under the section 36 exemption and I agree with all of them. In my view disclosure of the information would prejudice the effective conduct of public affairs by way of making the staff survey less effective as AAIB staff would be more reluctant to either participate or provide honest and frank answers to the survey if they felt these would end up in the public domain. This would clearly have a detrimental effect on the staff survey process. Organisations should be able to survey their staff in a completely anonymous way and staff should have a reasonable expectation that their answers will not be published in a form where they could be attributed to them. As you point out in your internal review request of the 3rd April 2018 government departments

regularly publish staff survey results but these are at a higher departmental level (as per the above link) not individual teams within the department.

I therefore agree that it was correct for the AAIB to withhold the information and I uphold the original decision.

I have also carefully considered your point that AAIB's staff survey results are a matter of public interest. In my view the staff survey results for the AAIB if released in isolation would be releasing individual's personal opinions and views, allowing identification of individuals which may lead others to draw conclusions, based on opinions, partial or incorrect information leading to uninformed speculation.

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wimslow
Cheshire
SK9 5AF

Yours sincerely



CRISPIN ORR
Chief Inspector of Air Accidents