ACCESS TO INFORMATION AND THE CIVIL AVIATION BILL

SUMMARY by Margaret Templeman

1. An important breakthrough covering access to information has been made by the S.C.C.'s successful initiative in persuading the Government to amend the Civil Aviation Bill now passing through Parliament.

The initiative indicates what can be gained by the pragmatic pursuit of short term aims whilst maintaining more idealistic long term aims.

By achieving certain carefully selected and limited amendments to the act a precedent has been set which could have profound implications for:

(i) the airline industry,
(ii) airport operators,
(iii) other modes of transport

-all on a U.K. basis.

2. S.C.C. is committed to working to obtain a Freedom of Information Act so that all consumers will have access of right to data which affects the cost and quality of the article or service purchased (the U.S.A., Sweden and many other western countries now have such legislation). This is the long term aim.

3. As an interim form of action the Council is seeking to encourage industry and related organisations to make previously confidential information more widely available voluntarily and has had some success in this regard with the airline industry. It is also seeking such incremental change by amending legislation as and when the opportunity presents itself. The Civil Aviation Bill was such an opportunity.
4. Many consumer groups have an interest in airline tariff rates, especially at a time of sharp increases in domestic air fares. Effective action in this regard (and other matters such as competition between airlines and possible cartels) has been severely hampered by a lack of any statutory right to detailed airline operational, cost and pricing data - classified as commercially confidential information. Without a steady flow of such data consumer groups have been in the position of fighting the consumer battle with one hand tied behind their backs.

5. The S.C.C. has made representations to C.A.A. over the past two years on this problem. The reply being that whilst Section 36 of the 1971 Civil Aviation Bill remained the Authority could not release such information to consumers, and C.A.A. officials could be prosecuted if this did happen - except in very limited circumstances (i.e. when a consumer group is allowed to appear at a hearing at the discretion of the C.A.A.).

6. The new Civil Aviation Bill originally made no mention of amending Section 36. Further it carried a clause which proposed to give the airline industry the right to be consulted about key policy documents (such as CAP 420) but no such right for the consumer groups despite the obvious serious implications that changes of policy in the aviation industry can have on users. Both these issues of course clashed with the C.A.A.'s statutory duty always to take into account the needs of the user as well as those of the industry - the Authority cannot do this without the views of the user and the user did not have access to the information to make informed judgements.
7. The S.C.C. decided to put forward 2 key amendments to the new bill:
   (i) that Section 36 should be changed to allow important
       consumer groups (A.U.C., N.C.C., S.C.C., Consumer's Association,
       local authorities) access to airline data as of right,
   (ii) that such groups were consulted as of right on all C.A.A.
       policy documents and statements.

8. Number (ii) above was agreed by the Minister (Norman Tebbit) as
    it stands.
    Number (i) was "softened" to allow the C.A.A. to provide this
    information if it considered it was in the interests of users to
    do this. This is very much a "half a loaf" situation, but still
    a considerable advance on the previous situation. The "track
    record" of the C.A.A. in dealing with consumer groups (even under
    the restriction of the old Clause 36) is such that the consumer
    is likely to have far easier access to key airline data than before.
    At the same time (and being realistic) the Authority can judge when
    the release of such data will provide undue advantage to an airline's
    competitor - such a stipulation is inevitable until a Freedom of
    Information Act is in being and all operators have to disclose such
    information.

9. The "half a loaf" is a more substantial gain when placed in context,
    i.e. voluntary disclosure by airlines. Over the past 12 months the
    S.C.C. has been in receipt of confidential commercial data provided
    voluntarily by British Airways, Loganair, Air Ecosse and Dan-Air.
    All these operators for various reasons, (especially the escalation
    of fixed costs) have seen the logic in doing this. The result is
    that /
that S.C.C. has now become much more fully informed and
information always makes for more responsible consumer opinion.
Further, freer distribution of data by airlines seems to be
cutting the number of objectors wishing to appear at U.K.
domestic tariff hearings, thus saving considerable C.A.A. time
and money.

10. Obviously the S.C.C. will not stop with "half a loaf". It will
continue to press for a full Freedom of Information Act.
However the implications of the "incremental approach" are
important. This mixture of encouraging voluntary distribution
of data by the airlines themselves and strengthening the consumer
position by amending legislation has resulted in the airline
industry now being in something of a pioneering position as
regards access to information by its customers.

11. The airline industry has become more transparent concerning its
costs and revenues than for example airport operators. Over the
past year much concern has been expressed by users groups and
local authorities concerning airport charges, especially in
regard to B.A.A. and C.A.A. charges which came into force on
1st April, 1980. Such charges now form a very significant
element of airline tariffs, yet the consumer is unable to obtain
data from the two bodies which will enable a judgement to be made
is the level of
as to whether such charges is either necessary or justified.
Obviously in order to arrive at such a judgement data on B.A.A.
and C.A.A. staffing levels, costs and policies is required. Such
key data are not available to the consumer whilst airlines have
to justify tariff increases, including the airport charges element,
at public hearings and the C.A.A. and B.A.A. do not have to account similarly in public for their own increases — even when these form a significant element in airline fixed costs and hence in new tariffs.

12. The C.A.A. and B.A.A. though public bodies are "non-transparent" to users and taxpayers and not accountable to them for their actions; neither do they make such information voluntarily available. Both bodies have taken questionable airport policy decisions about which they have not had to consult the general public (the new bill will change the situation for the C.A.A.). To give examples:

(i) **Shuttle lounge at Heathrow.** The S.C.C. is aware via information from British Airways that B.A.A. has decided that Shuttle passengers be allowed a smaller space per person than is available to passengers in other Heathrow lounges. Consumers have long complained about congestion and discomfort in the Heathrow Shuttle lounge (often blaming B.A.) but have not been informed of this differentiation and lower standard allocated to shuttle passengers — who of course do not pay a lower tariff!

(ii) **B.A.A. Scottish Airports.** The user is aware that these airports are making a loss and that the resultant tariff levels are higher as a result. The user is also aware that the decision to expand three separate lowland airports was questionable, probably wrong, but at the end of the day the user not the B.A.A. pays for the mistake, yet is denied detailed data by the Authority.

13. The contrast between the amount of data now being provided by airlines voluntarily (and soon to be provided under statute) and the amount of data provided either by B.A.A. and C.A.A. as airport operators is /
The main reason for this project was to create a comprehensive periodic table of chemical elements that would be accessible to a wide range of people.

This table would include all known elements, arranged in a logical and intuitive manner, allowing for easy reference and understanding. It would also provide additional information such as atomic weight, electron configuration, and common uses.

The project was funded by a generous grant from the scientific community, which provided the necessary resources to complete the project within a reasonable timeframe.

The end result was a visually appealing and informative periodic table that was widely published and used in educational and scientific contexts.

References:
1. Actinides (elements 89 through 103), which are radioactive and highly toxic, are not included in the main body of the table but are listed separately at the end.
2. Some elements, such as radon, are not included in the table due to their short half-lives and the impracticality of including them.
3. The table was color-coded to help distinguish between different types of elements, such as metals, non-metals, and metalloids.
stark. B.A.A. and C.A.A. can surely not maintain and should not be allowed to maintain such a position.

14. **Wider implications - other transport modes**

Whatever the deficiencies in the present situation, the data provision by the airline industry points up the contrast in:

(i) the ferry industry, especially as regards Caledonian MacBrayne and P. & O.,
(ii) British Rail,
(iii) bus operators.

15. The A.U.C. may rightly complain that their access to data is imperfect and complete freedom of access is required. Most consumer groups agree, but point out that only a Freedom of Information Act can completely rectify this situation. The N.C.C. and S.C.C. have long worked towards this goal. However, the lack of such an act should not blind consumer groups to the very real, if piecemeal, recent achievements concerning access to airline data - both voluntary and legislative. (The A.U.C. also pressed for amendments to the Civil Aviation Bill as regards access to information, but with unattainable objectives in the absence of a Freedom of Information Act).

Organisations such as S.C.C. working right across the transport field are aware that whatever the information problems of airline users, their access is far in advance of users of other transport modes. **Probably the most important spin off of recent advances in the aviation field will be in regard to pressure on airport operators and other transport industries to match them.**
It is ironic that at present whilst users groups can question airlines in detail at tariff hearings concerning proposed fare increases one important element of these tariffs has to be left unquestioned - airport charges. Whilst the cost effectiveness of airlines can be examined in great detail and information can be obtained relevant to this - the cost effectiveness of airport operators and the validity of their charges cannot. It is now up to all users groups to build on recent achievement with the airline industry to extend this, firstly to airport operators and secondly to other transport operators to at least bring them in line with the amount of information available from airlines. Recent advances and changes in the Civil Aviation Bill have set a very important precedent. It is now for other transport operators to match it or explain rationally why this is not possible.