



Drs J. Rademaker LLM MSc
44 The Pantiles
TN2 5TN Royal Tunbridge Wells

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

30 November 2020

Dear Members of the Panel of the Equalities and Human Rights Commission,

ADDENDUM TO COMPLAINT OF 25 October 2020

GDPR violations and breaches embedded in procedures and practices of the Civil Aviation Authority (“CAA”); absence of safeguards to protect pilots’ rights to Privacy and Data Protection

The CAA makes private and personal information on private pilots and their private aircraft public against the wishes of pilots; CAA make public exact movements and times of private pilots flying their private aircraft; violation of article 8 Human Rights Act 1998 and enables terrorists

1. Summary of addendum

I. Non-provision of personal data and deliberate delay by CAA

The Civil Aviation Authority of the United Kingdom (“CAA”) has been requested by currently over 50 pilots, from end of September 2020 to middle of October 2020, to provide details the CAA hold on them. On 27 November 2020, pilots needing their personal files to start

court action against the CAA in regard of illegal actions by the CAA in GDPR and other spheres, the CAA informed each of the pilots requesting their private data, that they would not receive this for another 90 days. This is both unacceptable to Pilots, as well as unnecessary as CAA insiders inform us that the personal information in question is readily available, kept on electronic storage systems.

We note amongst the cases of the group of affected individuals, there is one very experienced and senior pilot who ***after having been cleared of all wrongdoing by a HM Court Judge after the CAA persecuted him in Court, was given a criminal record by the CAA, with the CAA entering this itself onto the Police National Crime Database*** without the pilot in question having even been informed. The pilot needs this information to prepare a lawsuit against the CAA.

Several other wronged pilots are wishing to take legal action against the CAA but are frustrated and delayed deliberately by the CAA not providing relevant information. There is an urgent need to have information released immediately.

II. CAA continue to make available to anyone and publicize all private information, private addresses, past and present movements of private aircraft of private individuals; against the specific wishes of these private individuals

In addition to the complaint of 25 October 2020 we wish on behalf of a multitude of pilots to add as follows. The CAA provide on the internet for anyone to see, the private details of pilots, where their private aircraft are kept, and the callsign of their private aircraft. That is harvested by automated searching software by various private companies who provide apps such as Flightradar24, Planefinder and others – which apps again to the public, against the wishes of private pilots, display the aircrafts position on a map, in real time, and leave all this information online so any movement and history of movements may be recorded by anyone.

Meaning to name but one example, that “engine thieves” are led directly to the location where the aircraft is kept, allowing them to in ten minutes in the middle of the night, cut the entire nose of an aircraft to steal its engine, leaving pilots without an aircraft for a year or more; and leaving all pilots with higher

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insurance premiums, so causing significant damages to the entire private pilot community. There are significant and continuously reported incidents of "CAA G-INFO database assisted" thefts and vandalisations. There is no justification possible in this instance – safety is not affected at all – members of the public or other relevant parties

Private data on private pilots operating their private aircraft must not be published. As the CAA systematically ignores private pilots and simply does not respond, other than saying "you can start a £ 100,000 judicial review procedure and we will robustly defend ourselves at your expense and charge you costs" which is their standard response to everything, we request your Commission to please come to our aid and safeguard our information.

2. Urgent and pressing need

On 3 November, not having heard on our requests for Access since 29 September 2020, we sent a reminder, including our original request of 29 September 2020. All pilots of the entire group requesting to see their personal data held by the CAA, received on 3 November 2020 a standardized email promising this personal data would be provided within 28 days. On 27 November at 18:30, the CAA sent out a standardized email to each of the pilot, telling them a 90 day extension period would be necessary.

From: FOI Requests <foi.requests@caa.co.uk>
To: rademaker01@yahoo.com <rademaker01@yahoo.com>
Sent: Monday, 16 November 2020, 12:42:58 GMT
Subject: Request for Information - D0005008

Dear Mr Rademaker

Thank you for your email of 3 November addressed to Linda Lake requesting your personal data. Your request will be considered in line with the provisions of the General Data Protection Regulation (GDPR).

Your request will be processed and a response provided with one calendar month from the date of receipt of your request. If we are unable to meet your request an explanation will be provided.

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Should you wish to discuss your request, please do not hesitate to contact me on the details below, quoting the reference number D0005008.

Kind Regards

Chris Whitehurst

Data Protection Manager

Communications Department
Civil Aviation Authority

THE FOLLOWING MESSAGE WAS SENT TO ALL PILOTS REQUESTING THEIR PERSONAL INFORMATION

From: FOI Requests foi.requests@caa.co.uk
To: rademaker01@yahoo.com rademaker01@yahoo.com
Sent: Friday, 27 November 2020, 18:26:30 GMT
Subject: RE: Request for Information - D0005008

Dear Mr Rademaker

In your email of 29 September, you've made a number of requests including all of your personal data held by the CAA. As you may be aware, 'personal data' includes information from which you can be directly, or indirectly, identified. The CAA is in the process of collating all information that may fall within the General Data Protection Regulations' ('GDPR') definition of personal data. To date, we have collated a large number of documents, all of which will need to be individually reviewed and assessed. As you will appreciate, it will take some time to process this information.

Article 12(3) of the GDPR states that:

"The controller shall provide information on action taken on a request under [Articles 15](#) to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests."

I would like to outline our proposed approach to the request, as required by article 12(3) of the GDPR, so that you understand why an extension beyond the usual one month is required to fulfil it.

Due to the volume of information and sensitivity of materials, some information within scope of your request will potentially require specialist legal advice and application of exemptions. Whilst every effort will be made to ensure that you receive the information we hold without undue delay, it is anticipated that we will not be able to review the information in its entirety within one month of the receipt of the request. We do however anticipate releasing the information to you within the 90 days prescribed by the GDPR.

If you have any questions or require any further information about this process then please do not hesitate to contact us.

Kind Regards

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Chris Whitehurst

Data Protection Manager

Communications Department
Civil Aviation Authority

We illustrate the urgent and pressing need with the following writings of a pilot who has been unjustly treated by the CAA, spent £ 14,000 defending himself in Court, and was cleared by a HM Judge of all wrongdoing. He was awarded only an amount of £ 400 in costs to be paid by the CAA.

The pilot in question only by accident found out that notwithstanding having proven to be entirely not guilty, of anything – the CAA (a non-government entity, uniquely not regulated nor supervised by the government) had **entered a criminal record into the Police National Crime Database. Which the Police itself could not even remove as the record was created by the CAA itself.** It remains a question on how a non-public, non-government organisation which does not conduct its investigations according to any standards, doing so using unfit and untrained investigators, who have also been proven by tape recordings to lie, and have been proved to falsify evidence in their “proceedings”. These proceedings do not at all meet any standards, in particular not the standards of a fair trial under article 6 and 7 Human Rights Act 1998, and do not meet Criminal Law Standards which require “evidence beyond the shadow of a doubt” as well as a fair trial in which roles of investigator, prosecutor and judge are fully separated and safeguarded by specialist legally trained and qualified personnel operating to the highest standards, as freedoms of the individual concerned are at stake.

From: PILOT X
To: FOI Requests foi.requests@caa.co.uk
Sent: Saturday, 28 November 2020
Subject: Re: Information Request - D00XXXXX

Dear Mr Whitehurst

Thank you for your reply requesting a seriously long time to find my records and get them to me under the FOI. I would have thought that a month was more than time enough, but 90 days? THREE months? a quarter of a WHOLE YEAR? Either you know a lot more about me than I even know myself, or your not treating my request with the seriousness that I am demanding.

I may be naive but I would have thought you would go to your filing system, look under 'LAST NAME FIRST NAME', and Hey Presto, there are my records all neatly filed away. That's what I would have done in my business anyway. But, Hey, who knows the weird and wonderful ways of the CAA.

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And talking about the ways of the CAA, I am extremely concerned at the way my personal records held by the CAA, have, without my permission, been disseminated to a third party - namely The Police. After my successful court case in XXXXX in XXXX 2018, in which I was CLEARED of any wrongdoing, I had a communication, out of the blue, from the Police Firearms Department giving me a 'letter of admonishment', reminding me of the 'high standards of behaviour expected of me', saying that I would be the '*subject of a review*', and that I '**HAD AN ARREST WARRANT AGAINST ME**'.

You may be unsurprised to know that I was incensed by this and, after several letters back and forth with the head of the firearms department, I demanded my name be struck off their record. They sympathised with me but said that unfortunately *they were not allowed to remove my name* - only the person/organisation that had put it on in the first place. This was finally done by your Authority, *but not without a lot of insistence from me*.

As a layman I suspect this is both immoral and illegal - but no doubt when you trawl through my records to send them to me, the truth of this situation will become apparent, and whether your Authority acted beyond your legal remit.

Best regards

PILOT X

Other pilots having similar entirely unjust treatment by a CAA acting entirely illegally – but who have *no means to defend themselves as the CAA in flagrant violation of article 6, 7 and 8 of the Human Rights Act 1998, does not afford pilots any legal protection or recourse*; the CAA being a monopolist organisation with unlimited and unchecked powers, thinks its word is the law, has got away with that for decades, and is emboldened by it.

3 CAA putting private information including real time position online

Pilots have already filed a 90 page complaint with the Human Rights Watchdog, the Equalities and Human Rights Commission.

But a much larger group of pilots is also extremely concerned about the CAA treating their personal information grossly carelessly to the point of exposing itself to both criminal and civil liability, and object in the strongest terms to the CAA giving out to just anyone their personal information, from their home addresses, to their exact whereabouts, where they and their aircraft have been at any time, away to literally just anyone, at the click of a button, without the searching person being registered and free of cost.

The CAA do this via their website – google “G-INFO” as the CAA database is called, via: <https://siteapps.caa.co.uk/g-info/> It is very simple to use: just type in the callsign you see on the aircraft, or if you know someone that flies a plane, just type his name and it will show everything on this person and the aircraft.

How to Use G-INFO

Our database holds records of UK registered aircraft

- You can search on any combination of fields
- If you enter information into the Registration, Serial Number or Aircraft Type/Name fields, you must enter at least two characters
- If you enter information into the Registered Owner or ICAO 24 bit aircraft address fields, you must enter at least three characters

To search by Serial Number, Aircraft Type/Name, Registered Owner etc, click "Advanced Search" below to enter your advanced search terms.
Registration (without 'G-' Prefix)

This information and pilots transponding with their aircraft transponder as they fly – to let other planes and air traffic control know where they are, *exclusively meant for the benefit of safety in the air to themselves and for other aircraft*, is through the above public and open and free CAA maintained register, used by software programs of private companies such as FlightRadar, Planefinder and a myriad of others displayed on moving maps, with dates and routes displayed, and this is stored and anyone can access this.

If a pilot writes to such app providers, they are offered a solution where if they register and pay or subscribe to that app, their data will not be published. The App providers defend themselves when confronted by pilots wishing their private information to be withheld, saying the information is in the public domain and that the CAA approves the information being in the public domain. The problem is exacerbated in that it takes a lot of time and a lot of expense, to as a pilot write and pay all the app providers to withhold their private information being published.

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We note that for a monthly amount of £ 3, apps send a text to alert the subscriber to an aircraft he is spying on, has started moving. Then, the subscriber spying on a person, can use the app to see where the pilot is flying to as he is flying.

Pilots are also concerned that the information the CAA so broadcasts to the entire world, can be used to and of great assistance with criminal activities including kidnapping of wealthy individuals and can be of huge assistance to terrorists both “home grown” and state actors. Pilots do not want to be the victim of a criminal actions against them or their facilities such as private hangars and property. All such behaviour can be avoided by the CAA not making pilots private information public. The Police have a special unit cooperating with UK Border Force, who visit private airfields and “farm strips” every year to counter people smuggling, terrorism and other criminal activities – they always urge private owners to keep the details on the strip and its location private. With these apps, it is very easy indeed to follow on a map with high zoom levels, any aircraft until it stops and the transponder is turned off. Especially as all such transmissions and locations are captured and stored, and can be seen back later, you can see how easy it is to find a number of farmstrips if you are a criminal, and to then visit these to engage in criminal activities, or threaten owners or their family members to for instance “not see” or not report items or illegal people being dropped. Many pilots have communicated these points to the CAA but they have fallen on deaf ears.

We request your help in your capacity of protector of our private and personal information by disallowing the CAA to give out private details such as callsigns and transponder HEX registration codes uniquely identifying transponders privately bought by private individuals. With cars, it is of course not so that anyone can type in a license plate on a website, and see all private information, addresses of owner, and where the car has been and when. With aircraft, it is, and that is wrong. We pilots find the above continuous and clear presence of the CAA action publicizing our personal information a deep, clear and present and dangerous intrusion into our privacy and object to this in the strongest terms. We ask your Commission to help us to be given our privacy in this respect.

There can be no justification regarding safety in the air, which the CAA no doubt will propose, as they use that in anything, to act above and beyond the Law and Human Rights. Why not, you ask ? Because every airplane has in huge letters on both fuselage both sides, and wings top and bottom, their callsign

visible. So any member of the public or anyone in general who has an issue, can identify the aircraft by its unique four (4) letters – which they are free to report to the CAA.

Of course we are fine if reality were so that **only the CAA** and its personnel accessed the records where pilots gave their personal information to the CAA in the process of wishing to have a license for the aircraft or themselves, **provided there is a need and provided that Human Rights and rights of Privacy in particular are respected.** But we do not agree as will the entire pilot community not agree, that this information and our whereabouts are thrown on the street for everyone and anyone by the CAA *when there is also no need whatsoever nor any legal justification.*

It is in this context, that the undersigned also wish to complain through your Commission against the CAA in their investigative practices, whereby routinely untrained CAA investigators not even knowing what GDPR means or stands for, call Controllers at airfields asking them to hand over details over who just departed or landed on the airfield the controller works on. As the CAA exerts an all-powerful rule over anyone working in or involved with Aviation, Controllers at small and large airfields alike, assume the CAA has authority, and knowing that their Controller's licences depend on the CAA, they without fail hand over all details.

Investigators somehow have access to private mobile phone numbers and email addresses of pilots, and private addresses of pilots even where they have for crime prevention reasons, entered another address into the CAA GINFO database than their private address, who often only provide these for safety reasons in flightplans. We have many instances where CAA "investigators" calling from their private mobile phones, threaten and coerce pilots to provide names, addresses and mobile phonenumber of other pilots, whereby the CAA tells them if they do not comply immediately, their flying license will be taken away. We know of one instance, a mother of a commercial pilot was called in the middle of the night by a CAA investigator and heavy handedly spoken to which created a panic with her as she did not understand what was going on and thought her son, an airliner captain, had died in an accident.

The CAA investigators are not legally or otherwise trained, do not give the Caution even though they must do so, act as policeman, prosecutor, judge, jury

and executioner all in one; and their methods include badgering suspected pilots and their family members at any time of day or night for information and to coerce them to self-incriminate, or force them to provide evidence to prove their own innocence, under the threat of immediate removal of their flying licences if they do not provide any information.

Routinely licenses are suspended during a first phonecall, often not on the basis of any evidence, and often such suspensions are rescinded without providing grounds or reasons later after the victim has proven their own innocence – so violating the *presumption innocentiae* as well as the Caution and due process. There is no room provided for *audi et alteram partem*, due process, a fair trial, and sentences are extreme and disproportionate – routinely for unproven and tiny airspace infringements, licenses which provide the only source of income for commercial pilots, flight instructors or display pilots, are taken away. This is a matter for others than your Commission but we mention the context so you may have a fuller understanding.

Another point, problematic for private pilots is, that contrary to car licence plates, all data on pilots, where their planes are kept, are in a database accessible to any member of the public, by typing “GINFO” into google which leads to the CAA website. This leads criminal gangs who appear in the night at private airfields, with metal cutting equipment, to cut the nose of aircraft off, stealing the aircraft engines, putting these in vans or in estate cars. It also leads to vandalism and other theft than of engines alone. Private pilots wish to have their aircraft details, their private addresses and location of the aircraft and its movements, to remain private and emphasise there is no need to have these details be public, where this can be argued to be the case for commercial aircraft – however the latter are usually in large commercial airfields benefiting from good security arrangements.

The is exacerbated by the fact the CAA is *not* a government institution, and is *a regulator which is not regulated itself, and in fact any oversight is absent*.

The CAA also in our view illegally, **keeps criminal records on pilots, which it refers to but refuses to give information about, but which are used to convict suspected reoffenders in future. And which criminal records *never expire*, which we also believe to be illegal and in violation of “the right to be**

forgotten” as enshrined in article 8 Human Rights Act 1998/European Convention on the Rights of Man.

Both conduct of and regulatory framework and systems developed and used by the CAA fall short of adequate standards to be expected from the CAA, an institution paid for by pilots and the aviation industry, which can be expected to be a sophisticated, internationally visible, first world organization that should lead by example.

There is an urgent need for pilots wishing to defend themselves using Human Rights legislation as a last resort, safeguards provided by Human Rights legislation should have already been available to pilots as the CAA **must by law provide these** but the CAA simply does nothing, does not respond and does so knowingly and does so to frustrate pilots deliberately. The CAA is in this instance again, deliberately delaying to stop pilots from going to individual court procedures which volunteers such as myself have now offered them. I have seen the utter injustice, unhappiness and mental stress and damages inflicted upon individuals and small aviation businesses and see that purely as pilots are unable to defend themselves legally – there are a number which have spent amounts of £ 7,000 to £ 14,000 and often they have to stop halfway not having reached a result as the CAA knowingly delays, frustrates and forces more and more costs on pilots with the specific aim of breaking them financially – and the CAA does so with monies they charge pilots. We have confirmation from CAA employees who are sympathetic to the cause and disturbed by the open abuse of power and bullying the CAA perpetrates, that the tactics used are very deliberate, approved, encouraged and sanctioned by the highest levels of leadership in the CAA in what has become a toxic and confused culture where employees seem to not realize how they work or things they do are illegal, as they zealously believe that they are protectors of safety and lives in the air, and that goal simply justifies any means, and that their word is Law.

The CAA in the now over 100 instances we have reviewed, some of which are listed in the Complaint, violate in particular articles 5, 6 and 7 of the European Convention on Human Rights (“ECHR”) as implemented *inter alia* in the United Kingdom through the Human Rights Act 1998 (“the Human Rights Act”).

It has been confirmed in respect of driving licenses, by clear and repeatedly affirmed European Supreme Court Rulings, in the context of road-traffic offences punishable by fines or driving restrictions, such as penalty points or disqualifications which are not qualified as criminal law provisions in domestic legislation (*Lutz v. Germany*, § 182; *Schmautzer v. Austria*; *Malige v. France*; *Marčan v. Croatia*, § 33; *Igor Pascari v. the Republic of Moldova*, §§ 20-23) that nevertheless safeguards of article 6, 7 and 8 on in particular Privacy - of the ECHR/ECRM and same articles identical 6, 7 and 8 of the Human Rights Act 1998 apply.

Due to the similar punitive character of restricting, suspending or revoking flying licences, whether private or commercial, or imposing the penalty of a forced “airspace awareness course” at the expense of the pilot’s money and forcibly depriving the pilot of his freedom and a day of his life and time, it is clear and unequivocal that the safeguards of ECHR and Human Rights Act 1998 apply in the cases at hand, where the CAA investigates, polices, judges and enforces infringements of airspace allegedly committed by pilots using aircraft, and performing all these different functions through one single person, does so without providing evidence or grounds, writing up its decisions without any foundation and in the most summary and often imprecise of fashions, not respecting pilot’s rights to defend themselves, not being offered a fair trial, due process or a right to appeal. In their “investigations” the CAA routinely disclose private details on pilots to others, and discuss their cases which are classified as as per the above, the matter is one of criminal law, with others when they are not at liberty to do so, their investigators having had no training regarding criminal law, data protection, or the intricacies and complexities of criminal investigation.

The GDPR violations by the CAA are many and grave and have been listed and detailed in our original Complaint to your Commission of 25 October 2020 to which this submission forms an addendum.

4 Addendum Conclusion

In summary – the CAA is acting illegally in terms of article 8 Human Rights Act 1998 and GDPR and Privacy legislation context and many of its procedures and practices are *contra legem*, the penalties they impose are often disproportionate and unfounded, the private and personal data of

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pilots they force pilots to provide to them, is not protected and there is no evidence of proper rules, systems or procedures in place.

As an *obiter dictum* we note that many pilots coming forward with illegal dissemination of their private information by the CAA which violates human rights, have come with matters other than infringements, such as for instance incorrect procedures with medical certifications where there is no appeal, proper trial, proper functioning of a another whole department of the CAA, and similar situations with licensing of engineering or maintenance facilities.

We ask you herewith on behalf of the Undersigned pilots and myself, as well as around 50 more pilots happy to provide their details and case details to you, who all have been subject to their rights to Privacy and article 8 Human Rights Act 1998 violated on a routine basis by the CAA, to use your powers to correct the current untenable situation by motivating the CAA to overhaul their rules, procedures and practice to become compliant with GDPR and article 8 Human Rights Act 1998, such in keeping with your constitution.

Yours sincerely

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drs Jaap Rademaker LL.M MSc

Flt Lt (Ret) Antony Parkinson MBE

Pete Kynsey

Alexander Robert Garman

Sqn Ldr (Ret) Christopher Victor John Heames