

17th July 2019

Freedom of Information Request – Reference No:20191594

REQUEST

- 1. Does your police force use drones/unmanned aerial surveillance?**
- 2. Has your police force purchased drones / unmanned aerial surveillance equipment in the last 2 years?**
- 3 a. If yes to (2) please confirm the company from whom the drones were purchased, the types of drones i.e. specification, and a copy of the purchase agreement/contract.**
- 3 b. If you purchased drones / unmanned aerial surveillance equipment over 2 years ago and have documentation in relation to the company from whom they were purchased, the types of drones, purchase agreement, please provide this information.**
- 4. Please provide a copy of any national or local guidance upon which you rely in relation to deployment of drones / unmanned aerial surveillance.**
- 5. Please confirm the legal basis upon which you rely in deployment of these tools.**
- 6. Please provide a copy of any review conducted into the deployment of drones / unmanned aerial surveillance.**
- 7. Please a) confirm whether you keep a central record of deployment of drones / unmanned aerial surveillance and/or have a means by which to audit drone deployment. b) Provide information in relation to the uses within the past 2 years of drones e.g. monitoring protests, missing persons, traffic monitoring etc. If possible please provide statistics in relation to deployment e.g. number of times deployed for traffic monitoring.**
- 8. Please provide information confirming whether any officers have been subject to misconduct proceedings or any disciplinary measures or other proceedings in relation to deployment of drones / aerial surveillance.**

RESPONSE

I approached the Operational Support Unit for assistance with your request. Upon review I will not be releasing information in full.

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a.states that fact,
- b.specifies the exemption in question and
- c.states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

Section 31 (1) Law Enforcement

This exemption is a qualified and prejudice based exemption and therefore the legislators accept that there may be harm if released. The authority has to consider and describe the harm that would occur if a full disclosure of information were released.

Harm

The release of other information in respect of the make, model specifications of the unmanned aerial systems (drones/UAV's) would reveal the capabilities or tactics of these resources and give important information to criminals. The release of this information

combined with detailed information readily available on the internet would allow criminals to identify the strengths and weaknesses of the aircraft and they would be able to use information in planning criminal acts. This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of criminals and increase the fear of crime in the community the police service seeks to serve.

Factors favouring disclosure - Section 31

In times of public expenditure cuts the public have an interest in knowing how public money is being spent in ensuring value for money both at the point of purchase and also in respect of what those resources are to be used for.

Factors favouring non-disclosure - Section 31

Disclosure of the make and model of the UAS would mean that individuals could research details about them and their capabilities. To disclose the strengths and any possible weaknesses of the equipment would compromise law enforcement tactics which could lead to more crime being committed and individuals being placed at risk. It may also be used by criminals/terrorists in combination with other information they have gathered to try and prejudice law enforcement.

Access to this information could be used by individuals or groups, who are intent on criminal activity, to identify and exploit the limitations of these resources, thus hindering the prevention and detection of crime and increasing the risk to public safety. Terrorists could target areas of weakness knowing that their activities are less likely to be detected.

Balance test

While there is a strong public interest in how public money is being spent and how the Police service engages with its Law Enforcement role the force has a duty to deliver effective law enforcement and national security. Criminal elements could use this information to evade police, therefore directly undermining their law enforcement role.

The Police service will not divulge any information which could hinder the prevention and detection of crime and also adversely impact on the apprehension and prosecution of offenders.

The Service has a duty to protect the community it serves and needs to use exemptions appropriately to protect information if the release of that information would have an adverse impact on the community.

Although there is public interest in knowing how this equipment is being used there is a greater public interest in ensuring that criminal activities and terrorism are both detected and prevented so ensuring the safety and well-being of the public. I am therefore satisfied that in respect of this request the public interest lies in not disclosing all of the information requested.

1. Yes
2. Yes
4. *Licensing is in accordance with the CAA requirements for drone operators which is information available on the internet.*
5. *Common Law for the purpose of prevention and detection of crime. Deployed in accordance with CAA guidelines.*
8. None

In addition, in regard to any information relating to the covert use of UAS's, South Yorkshire Police force neither confirms nor denies that it holds any other information relevant to the request by virtue of the following exemptions:

Section 23(5) - Information supplied by, or concerning, certain security bodies

Section 24(2) - National Security

Section 31(3) - Law Enforcement

Section 23 is an absolute class-based exemption and there is no requirement to conduct a harm or public interest test.

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

Harm for the partial NCND

As you may be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information is held regarding the use of this specialist equipment for covert use, would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances in which the police service may or may not deploy UAS, would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat has remained at the second highest level, 'severe', except for two short periods during August 2006 and June and July 2007, when it was raised to the highest threat, 'critical', and in July 2009, when it was reduced to 'substantial'. Nevertheless, the UK continues to face a sustained threat from violent extremists and terrorists and the current UK threat level is set at 'severe'.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying that any other information is held in relation to the covert use of UAS would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling them to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage

criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Factors favouring Neither Confirming Nor Denying for Section 24

The information if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of UAS is held, would lead to a better-informed public.

Factors against Neither Confirming Nor Denying for Section 24

By confirming or denying whether any other information is held would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring Neither Confirming Nor Denying for Section 31

Confirming or denying whether any other information is held regarding the covert use of UAS would provide an insight into the police service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Some information is already in the public domain regarding the police use of this type of specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors against Neither Confirming Nor Denying for Section 31

Confirming or denying that any other information is held regarding the covert use of UAS would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any *modus operandi* employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the covert use of UAS would hinder the prevention or detection of crime. The Police Service would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any other information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance test

The security of the country is of paramount importance and the Police service will not divulge whether any other information is or is not held regarding the covert use of UAS if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest discussed above are sensitive issues that reveal local intelligence and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding the covert use of UAS, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.