

**Letter sent by email**

Mr John Finnie MSP  
Convener  
Justice Sub-Committee on Policing  
c/o Justice Sub-Committee Clerks  
Room T2.060  
The Scottish Parliament  
Edinburgh EH99 1SP

28 June 2019

Dear Mr Finnie

**Remotely Piloted Aircraft Systems (RPAS)**

I write to follow up your exchange of correspondence with the Chair of the Scottish Police Authority (most recently 13 June 2019) on the Sub-Committee's request for copies of the Data Protection Impact Assessment and the Equalities and Human Rights Impact Assessment in relation to RPAS which Police Scotland provided to the SPA.

I now attach the two requested documents, which have been reviewed by Police Scotland at our request, and modest adaptations made, to reflect that the original documents were subject to protective marking and provided to support Authority oversight and not for publication.

Yours sincerely

**John McCroskie**  
**Director**  
**Scottish Police Authority**

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## Data Protection Impact Assessment – Remotely Piloted Aircraft Systems

### Law Enforcement Processing only Control Sheet

<b>Title</b>	Air Support Unit - Remotely Piloted Aircraft Systems
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<b>Document Type</b>	Data Protection Impact Assessment
<b>Document Status</b>	Approved
<b>Author</b>	Inspector Nicholas Whyte
<b>Strategic Asset Owner</b>	DCC Gywnne

### Revision History

Version	Date	Summary of Changes
0.1	03.08.18	Initial Draft DPAI Pt 1 Law enforcement
0.2	15.08.18	Initial draft amendments/ clarification
0.3	16.08.18	IA update Pt 1
0.4	24.10.18	Parts 2 - 6 entered
0.5	07.11.18	IA Updates Pts 1 - 6
0.6	07.12.18	Author update
0.7	12.12.18	IA update
1.0	01.02.19	v1.0 created following final IA review

### Consultation History

Version	Date	Name	Designation
			Information Asset Owner
			Project Board Chair
			etc

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**Part 1 - Determining whether the proposed processing of personal data for law enforcement purposes is likely to result in a high risk to the rights and freedoms of the data subject.**

Once completed, this part must be submitted to Information Management to validate the decision. (Refer to guidance note 1 for the definition of law enforcement purposes)

Q1	Does this project involve the processing of personal data? (Refer to guidance <a href="#">Note 1</a> )	Yes
Q2	Who is the Lead/Manager/Senior Responsible Owner for the project? (Provide name, designation and contact details)	Inspector Nicholas Whyte, Air Support Unit, XXXX

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Q3	Provide a summary of the project.	<p>To enhance the current police air support capability, two Remotely Piloted Aircraft Systems (RPAS) (known also as Unmanned Aerial Systems) will be deployed operationally at Aberdeen and Inverness. A third RPAS will be retained at Glasgow for training, research and development. The RPAS will be deployed primarily in the search for missing persons supporting current tasking of the Police helicopter. Other tasking will include obtaining evidential imagery for crime scenes, supporting major policing operations such as demonstrations, sporting events and festivals.</p> <p>Following two years of research and engagement with other Police forces and industry, a procurement exercise was completed for the supply of three RPAS. Three bespoke police vehicles have also been procured which will allow officers to safely transport the aircraft to the area of operations. All RPAS operations will be conducted in accordance with aviation law and regulated by the CAA (Civil Aviation Authority).</p> <p>The RPAS operation as a whole sits within the Air Support and as such has an accountable manager (Inspector of Air Support Unit). An operational safety case and operations manual have been prepared and are being reviewed by the CAA.</p> <p>Each RPAS will be operated by two police officers. Twelve officers in total have been trained around Scotland. They have been trained by National Air Traffic Services to pilot the aircraft and are certified to NQE CAA standard. Initially officers have been trained to pilot a small RPAS in the 0-7kg category. Officers are now completing phase 2 training on a larger RPAS in the 7-20kg category.</p> <p>RPAS is fitted with a dual sensor camera system which includes daytime video (EO)</p>
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		<p>and thermal image (IR) camera sensors. Imagery is transmitted from the camera to the ground based controller which has a screen and is viewed by the police officer operating it. XXXX and can provide 1080p images to the ground controller.</p> <p>Essentially the RPAS will be used to search large open areas for one person or a small group of people for example. In terms of recording and retaining imagery, this would be carried out for criminal investigation and evidential purposes ONLY. No imagery of people other than this scenario would be recorded or retained.</p> <p>The camera, batteries and RPAS unit itself require firmware updates on a regular basis. The firmware is currently updated via a stand alone laptop on a secure Wi-Fi network within the Air Support Unit at Govan. The manufacturer of the drone (DJI) will obtain limited telemetry data containing flight characteristics only from the RPAS, however this is only flight information and not personal data.</p> <p>In addition to the operational deployment, a RPAS will be utilised at Glasgow for research and development. This collaborative working, with partners such as Glasgow University, University of West of Scotland, CENSIS and Thales, will explore the evolving technology of aircraft systems and sensor equipment for future emergency service use and wider industry users. No personal data will be processed for this part of the project, it concerns only the development of the equipment.</p>
Q4	Detail the benefits of the project to Police Scotland.	Enhanced air support capability to the North of Scotland. Research and development opportunities of RPAS technology with industry partners and academia.
Q5	Detail the benefits of the project to any other relevant parties.	UK wide emergency services will benefit in the future from work being done by Police Scotland in relation to unmanned aerial systems.
Q6	Define who has responsibilities for the data. (Provide name, designation and contact details) a) Strategic Asset Owner b) Tactical Asset Owner	a) DCC Gywnne b) Supt Carol McGuire, Head of Specialist Services, OSD
Q7	What personal data is to be processed? (Refer to guidance <a href="#">Note 1</a> )	Still / Video imagery of person(s) captured during the deployment of the RPAS.

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Q8	What sensitive data if any, is to be processed? State the categories. (Refer to guidance <a href="#">Note 1</a> ) <a href="#">C:\Users\5057280\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\XG3VVXHS</a>	It is not possible to accurately predict the imagery that is going to be captured during the course of an RPAS deployment. As such consideration must be given to the potential for sensitive data being processed as outlined in the examples below: • personal data revealing political opinions or TU membership in the event of a
	<a href="#">\Data Protection Impact Assessment - Law Enforcement Processing - Guidance.doc - _Hlk513794443</a>	deployment to a large scale public demonstration • data concerning health or an individual's sex life or sexual orientation in the event of a deployment to assist in locating a missing person

Part 1 - continued



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Q9	What is the nature of the processing? (Refer to guidance <a href="#">Note 2</a> )	<p>Using new technologies not previously available to Police Scotland.</p> <p>It is anticipated that in the majority of deployments data will be streamed only to a trained ground based controller. RPAS have a range of 500 metres and to comply with CAA guidance must remain within "line of sight" of the operator (except in a threat to life situation)</p> <p>Where images will be required to be recorded, the scope of the processing is the transfer of aerial imagery from the camera attached to a remotely piloted aircraft system (RPAS) to SD memory card. Then SD card to Police laptop or to CD via Police digital burner device. Evidential imagery is then forwarded to a reporting officer or SIO to accompany any subsequent police report to COPFS. e.g. A master copy CD is lodged by that individual at their local office and retained in line with current Force guidelines - Record Retention SOP. A working copy CD with the imagery goes to COPFS for criminal proceedings. No imagery is retained by air support RPAS officers. Non evidential imagery that contains personal data and is not required for a law enforcement purpose will be deleted after 28 days. Non evidential imagery that does not contain personal data may be held on an external hard drive and used for training/ reference and research and development purposes and only accessed by air support RPAS officers. This type of imagery may also be shared with Glasgow University/ UWS and THALES only for research and development work. No evidential imagery or imagery that contains sensitive / personal data will be shared with partner agencies other than COPFS. This process is currently in place for the Police helicopter.</p> <p>Any imagery taken covertly will be conducted in terms of RIPSAs and only with approval</p>
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		under a Directed Surveillance Authority. Covert images obtained via thermal image sensor do not require RIPSAs or a DSA as it is not possible to identify an individual - only heat blobs are seen.
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Q10	Define the scope of the processing (Refer to guidance <a href="#">Note 3</a> )	The data being processed will be imagery of persons obtained during RPAS deployments. This could include special category data depending on the circumstances but will not include criminal offence data. In the majority of cases, data will be streamed only but there may be a requirement on occasion for this to be recorded for evidential or intelligence purposes. It is anticipated that the RPAS will be deployed daily. The maximum flight time for the devices is currently around 28 minutes.
Q11	Explain the context in which the processing will take place (Refer to guidance <a href="#">Note 4</a> )	<p>To record and retain aerial imagery for the investigation, detection and prosecution of criminal offences.</p> <p>e.g. (1) Search for a vulnerable missing person in a large open area - body found and images obtained for investigation/ inquiry.</p> <p>e.g. (2) Large scale disorder outside football stadium involving 100s of people. Imagery used to identify those involved and subsequent criminal proceedings.</p> <p>e.g. (3) Armed police officers deployed to residential dwelling to provide initial armed response to an individual with access to firearms. Seige type incident ensues and a RPAS is deployed to contain the dwelling curtilage/ street and monitor and records police response. Footage used in subsequent criminal proceedings.</p> <p>e.g. (4) Aerial images obtained of the scene of a serious/ fatal RTC to assist in the collision investigation and subsequent criminal proceedings.</p> <p>e.g. (5) Imagery obtained to assist with operational planning.</p> <p>All these examples are currently undertaken routinely by the Police helicopter using on board camera sensor equipment.</p> <p>All RPAS operations will be conducted in accordance with aviation law and regulated by the CAA (Civil Aviation Authority).</p>
Q12	Describe the purpose of the processing (Refer to guidance <a href="#">Note 5</a> )	The purpose of this processing is anticipated to be primarily the search of wide open spaces, particularly in relation to missing persons.

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		<p>The use of RPAS will also support mutiple law enforcement activities, for example by obtaining aerial imagery of a variety of locations or providing coverage at a large scale public event.</p> <p>RPAS will also be able to be deployed in situations where it is unsafe for officers to attend, for example where there is potential for explosive devices to be within a locus.</p>
Q13	<p>How many individuals will be affected by the processing, or what is the proportion of the relevant population affected?</p>	<p>This is difficult to say and will depend on the specific task that the RPAS has deployed to. The overwhelming majority of tasking will be overt and operated by uniformed police officers at a static and public point. If operated in public areas it is not known how many persons will be there.</p>
Q14	<p>Is the personal/sensitive data already held by Police Scotland but it is now the intention to use it for another purpose? If so, provide full details of current purpose and new purpose.</p>	<p>No.</p>
Q15	<p>Taking account of the types of personal/sensitive data to be processed, and the;</p> <ul style="list-style-type: none"> <li>• nature,</li> <li>• scope,</li> <li>• context and</li> <li>• purpose</li> </ul> <p>of the proposed processing, is the processing likely to result in a high risk to the rights and freedoms of the data subjects concerned? Provide the reason for your conclusion (Refer to guidance <a href="#">Note 6</a>)</p>	<p>The processing of personal data by RPAS is deemed to be High Risk.</p> <p>Due to the unpredictable nature of the imagery that will be obtained by the RPAS it cannot be ruled out that sensitive data will be captured and processed.</p> <p>There may also be occasions where data subjects are unaware that their data is being collected during the deployment of RPAS, or that they are unable to avoid this.</p>

Once this part (Part 1) has been completed, send it to the [Information Assurance](#) or [ISO](#) mailbox. IM will determine whether the processing is likely to be a high risk. A response will be sent to you within 5 working days.

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The remainder of the Data Processing Impact Assessment (DPIA) should continue to be completed in the meantime.

Part 2 – Systematic Description of Processing		
In this section, describe the processing in detail.		
Q16	What will be the classification of the personal/sensitive data under the Government Classification Scheme? (GSC) <a href="#">Government Security Classification SOP</a>	OFFICIAL
Q17	Exactly what personal data will be processed as part of the project? (Refer to guidance <a href="#">Note 1</a> )	Imagery of a person(s) obtained from a camera sensor attached to the RPAS. Video footage or still images may be recorded.
Q18	What, if any processing of sensitive data will be carried out and why? (Refer to guidance <a href="#">Note 1</a> )	It is not possible to accurately predict the imagery that is going to be captured during the course of a RPAS deployment. As such consideration must be given to the potential for sensitive data being processed as outlined in the examples below: <ul style="list-style-type: none"> <li>personal data revealing political opinions or TU membership in the event of a deployment to a large scale public demonstration</li> <li>data concerning health or an individual’s sex life or sexual orientation in the event of a deployment to assist in locating a missing person</li> </ul>
Q19	What is the source of the personal/sensitive data?	Camera sensor attached to RPAS.
Q20	Will the personal/sensitive data be fully identifiable, pseudonymised or anonymised? (Refer to guidance <a href="#">Note 7</a> )	Fully identifiable

**Part 2 – continued**

Q21	<p>Will another organisation be processing any of the personal/sensitive data either on behalf of Police Scotland or in conjunction with Police Scotland? e.g. contractors, external ICT support, partners?</p> <p>If so, provide details of:</p> <ul style="list-style-type: none"> <li>• the organisation</li> <li>• its Data Protection Officer and</li> <li>• the exact role of the other organisation in the processing of the data?</li> </ul>	No.
Q22	<p>In relation to the proposed processing, what is the status of:</p> <p>a) Police Scotland b) the other organisation?</p> <p>(Refer to guidance <a href="#">Note 8</a>)</p>	Police Scotland - Controller.
Q23	<p>What training will be provided for individuals:</p> <ul style="list-style-type: none"> <li>• Within Police Scotland</li> <li>• Partners</li> <li>• Contractors/subcontractors</li> </ul>	Camera operators will be trained how to operate camera equipment attached to the RPAS and thereafter how to remove the camera SD card, extract imagery from the card via PC or laptop and then transfer imagery to CD and external hard drive.
Q24	<p>What Polices /SOPs /SyOps /Guidance, etc. will be in place prior to the commencement of processing?</p>	<p>Air Support Guidance document will be amended to reflect RPAS operations in full.</p> <p>A SyOps will also be produced.</p>

Q25	Data Flow analysis – (Refer to guidance <a href="#">Note 9</a> )
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**Part 3 – Assessment of Necessity and Proportionality**

In this section, you are required to assess whether the processing is necessary and is not excessive.

	Requirement – The Data Protection Principles	Comments
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<p>Q26</p>	<p style="text-align: center;"><b>DPA 2018 1<sup>st</sup> Principle Sections 35 &amp; 42 Schedule 8</b></p>	<p><b>Lawful/Fair:</b> (Refer to guidance <a href="#">Note 10</a>)</p> <ul style="list-style-type: none"> <li>• Is the processing based on consent and if so, why?</li> <li>• If the processing is necessary for the performance of a task? If so, provide details of the task.</li> </ul>	<p>No. Processing (imagery) is not based on consent and is strictly necessary for law enforcement purposes.</p> <p>The imagery obtained will be best evidence in support of criminal justice proceedings.</p> <p>The processing is necessary under the Police Fire &amp; Reform (Scotland) Act 2012 –</p> <p>Section (20) Constables: general duties-</p> <p>(1)It is the duty of a constable—</p> <p>(a)to prevent and detect crime,</p> <p>(b)to maintain order,</p> <p>(c)to protect life and property,</p> <p>(d)to take such lawful measures, and make such reports to the appropriate prosecutor, as may be needed to bring offenders with all due speed to justice,</p> <p>Section (32) Policing principles: The policing principles are-</p> <p>(a)that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and</p>
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			<p>(b)that the Police Service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which—</p> <p>(i)is accessible to, and engaged with, local communities, and</p> <p>(ii)promotes measures to prevent crime, harm and disorder.</p>
		<p><b>Sensitive Processing:</b> (Refer to <a href="#">Note 1</a> and <a href="#">Note 10</a>)</p> <ul style="list-style-type: none"> <li>• Does the processing involve processing of sensitive data?</li> <li>• If so, state which categories are being processed?</li> <li>• Is the processing being based on consent? If so, why is consent appropriate in the circumstances?</li> <li>• If it is strictly necessary for LE purposes, state why and which condition in Schedule 8 is satisfied.</li> </ul>	<p>Yes, sensitive data may be processed on occasion. This could include personal data revealing political opinions or TU membership in the event of a deployment to a large scale public demonstration or data concerning health or an individual’s sex life or sexual orientation in the event of a deployment to assist in locating a missing person</p> <p>The processing is not based on consent but is strictly necessary fo law enforcement purpose and meets at least one condition in Schedule 8 of the Act, namely:</p> <p>1(a) is necessary for the exercise of a function conferred on a person by an enactment or rule of law, namely the powers of a police constable in the execution of their duty.</p> <p>1(b) is necessary for reasons of substantial public interest, namely the public interest regard the prevention, detection of crime and the bringing of offenders to justice.</p>



<p>Q27</p>	<p><b>DPA 2018 2<sup>nd</sup> Principle Section 36</b></p>	<p><b>Specified/Explicit/Legitimate:</b></p> <ul style="list-style-type: none"> <li>• State the specific purpose for which the personal/sensitive data will be processed. (Refer to guidance <b>Note 11</b>)</li> <li>• Is the data to be used for any other law enforcement purpose?</li> </ul> <p>If so what other law enforcement purpose?</p> <p>Is the data to be used for any non-law enforcement purpose? (Refer to guidance <b>Note 11</b>)</p> <p>If so:</p> <ul style="list-style-type: none"> <li>• What is that purpose?</li> <li>• Why do you believe that this purpose is not incompatible with the specific reason for which you gathered it?</li> </ul>	<p>Law enforcement.</p> <p>Yes</p> <p>Data may be used on occasion for intelligence purposes.</p>
<p>Q28</p>	<p><b>DPA 2018 3<sup>rd</sup> Principle Section 37</b></p>	<p><b>Adequate/Relevant/Not excessive:</b></p> <p><input type="checkbox"/> What assessment has been made to ensure that the data being processed is adequate, relevant and not excessive in relation to what is necessary for the purpose for which they are processed?</p>	<p>The RPAS will only be deployed, subject to operational availability, on receipt of suitable taskings from the Control Room or other business area. In the majority of cases no imagery will be recorded.</p> <p>If the imagery requested is for evidential purpose e.g. criminal justice proceedings then it is best evidence and relevant.</p> <p>If it is obtained for intelligence purposes then a full assessment will be made along with rules and guidance under RIPSAs 2000, where applicable.</p>
<p>Q29</p>	<p><b>DPA 2018 4<sup>th</sup> Principle</b></p>	<p><b>Accurate/Kept up to date where necessary:</b></p> <p><input type="checkbox"/> How will the accuracy of the data be checked?</p>	<p>N/A - the data being processed is imagery (still or video) and there are no accuracy issues.</p>

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	<b>Section 38</b>	<input type="checkbox"/> What process will be in place to rectify/erase inaccurate data?	N/A
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		<input type="checkbox"/> What process will be in place to keep it up to date (where necessary)?	N/A.
		<input type="checkbox"/> How will you ensure that facts are distinguished from opinions? ( see <b>Note 12(1)</b> ) If this cannot be done, please explain why.	N/A.
		<input type="checkbox"/> How will you ensure that there will be a clear distinction between personal data relating to different categories of data subjects? If this cannot be done, please explain why. (see <b>Note 12(2)</b> )	<p>All data is regularly managed and reviewed by Air Support Unit supervisors. The backend system used to comply with CAA regulations and record details of all RPAS activity as outlined in Q3 will cross refer details of the task and what data has been captured and for what purpose. The narrative section of the flight log will contain personal data and differentiate between different categories of data subject. This information will only be cross referred if imagery has been obtained. Only one entry is created on the Flight Logging System for each flight.</p>
		<input type="checkbox"/> How will you ensure that the requirements of Section 38(4) & (5) are met? (see <b>Note 12(3)</b> )	<p>Section 38(4) &amp; (5) of the DPA requires that all reasonable steps must be taken to ensure that inaccurate, incomplete or out of date personal data is not transmitted or made available for any law enforcement purpose.</p> <p>On the occasions that data is recorded, it is reviewed by Air Support Unit supervisors before transmission to an SIO or requesting officer.</p>

Q30		
	<p><b>Not kept longer than necessary:</b></p> <p><input type="checkbox"/> How long will the personal data be retained?</p>	<p>Once the data captured has been securely transferred from SD card to either CD and or external hard drive, the data will then immediately deleted from the SD card and the card reformatted.</p> <p>Once the CD containing the data has been forwarded to the reporting officer/ enquiry officer/ SIO it shall be their responsibility to ensure deletion of the data in line with existing Record Retention schedules.</p> <p>The Air Support Unit will delete their copy of the data after one year.</p> <p>The flight logging system maintained by the Air Support Unit to record details of RPAS flights for CAA purposes is weeded after current year plus one.</p>
	<p><input type="checkbox"/> Is the personal data covered by the existing Police Scotland Record Retention SOP? (Refer to guidance <a href="#">Note 13</a>)</p>	<p>Yes.</p>

	<p><b>DPA 2018 5th Principle Section 39</b></p>	<p><input type="checkbox"/> The system must be able to have the data deleted. How will you ensure that the system will be able to delete the personal data when the retention period (defined as above) is met?</p>	<p>Once the data captured has been securely transferred from SD card to CD the data will then immediately deleted from the SD card and the card reformatted. Once the CD containing the data has been forwarded to the reporting officer/ enquiry officer/ SIO it shall be their responsibility to ensure the CD is logged as a production or deleted in line with existing Record Retention schedules.</p> <p>No imagery containing personal data is retained by the ASU.</p> <p>The flight logging system maintained by the Air Support Unit to record details of RPAS flights for CAA purposes is weeded after current year plus one.</p>
		<p><input type="checkbox"/> Will the system require manual intervention or will deletion be automatic?</p>	<p>Manual intervention will be required.</p>
		<p><input type="checkbox"/> If the data is required to be retained after the retention period, (e.g. for statistical purposes) how will it be anonymised?</p>	<p>There is no requirement to keep data beyond the retention period.</p>
		<p><input type="checkbox"/> What processes will be in place to ensure the data is securely destroyed/deleted?</p>	<p>Data will be deleted immediately from the SD card once it has been transferred to CD. This will be a standard post flight check.</p>
<p>Q31</p>	<p><b>DPA 2018 6<sup>th</sup> Principle Section 40</b></p>	<p><b>Secure:</b></p> <ul style="list-style-type: none"> <li>• How will the personal data be secured and kept safe?</li> <li>• What technical/operational security features and/or policies will be in place to protect the personal data?</li> </ul>	<p>Contact between the RPAS and Control Panel is not on a static frequency and instead "frequency hops", significantly reducing the risk of remote access to the device.</p> <p>CDs passed to a reporting officer/ enquiry officer/ SIO will become their responsibility but are lodged as productions and stored securely with Police Offices.</p>

**Part 4 – Measures Contributing to the Rights of the Data Subjects**

In this section, assess how data subjects' rights will be protected.

Q32	<b>DPA 2018 Section 44</b>	<p><b>Information – Controller’s general duties:</b> (Refer to guidance <a href="#">Note 14</a>)</p> <p><input type="checkbox"/> How will data subjects be made aware of what is happening to their data?</p>	The public will be made aware via Police Scotland's Law Enforcement Privacy Notice that we may process their personal data for the Prevention, Detection and Investigation of Crime.
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		<ul style="list-style-type: none"> <li>• Is it the intention to withhold any of the information listed under the exemptions?</li> <li>• If so, how do you propose to record your decisions?</li> </ul>	Overt RPAS deployments will be made by uniformed officers in proximity to marked police vehicles.
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<p>Q33</p>	<p><b>DPA 2018 Section 45</b></p>	<p><b>Subject Access Requests:</b> (Refer to guidance <a href="#">Note 15</a>)</p> <p><input type="checkbox"/> How will you ensure that the information will be available to Information Management for the processing of subject access requests?</p>	<p>The GDPR and the Data Protection Act 2018 strengthen the rights of individuals, as data subjects, in relation to the personal data that Police Scotland holds about them.</p> <p>If an individual wishes to exercise this right, Article 15 of the General Data Protection Regulation and section 45 of the Data Protection Act 2018 provide a right of access to the information Police Scotland holds about them. Individuals can submit a subject access request by emailing: dataprotectionssubjectaccess@scotland.pnn.police.uk</p> <p>The Air Support Unit will work with Information Management, who process such requests as a statutory obligation, and respond accordingly subject to certain restrictions. For example, restricting individuals rights may be necessary to protect the rights and freedoms of third parties or to avoid prejudicing the prevention and detection of criminal offences.</p> <p>Data capture will be cross referenced on the ASU flight logging system to assist with subject access requests.</p>
<p>Q34</p>	<p><b>DPA 2018 Sections 46, 47 &amp; 48</b></p>	<p><b>Right to Rectification:</b> (Refer to guidance <a href="#">Note 16</a>)</p> <ul style="list-style-type: none"> <li>• What processes will be in place to manage requests for rectification?</li> <li>• What process will be in place to notify any recipients of the personal data that is/was</li> </ul>	<p>The GDPR and the Data Protection Act 2018 strengthen the rights of individuals, as data subjects, in relation to the personal data that Police Scotland holds about them.</p>

		<p>inaccurate data?</p> <p><input type="checkbox"/> What guidance will be in place to deal with the requirements under Section 48?</p>	<p>Concerning this right, the Air Support Unit will work with Information Assurance, who process such requests as a statutory obligation, and respond accordingly. The above right is subject to exemptions that we may apply, for example if data is being processed for law enforcement purposes or under a legal obligation.</p>
<p>Q35</p>	<p><b>DPA 2018</b> <b>Section 47 &amp; 48</b></p>	<p><b>Right to erasure or restriction of processing</b> (Refer to guidance <b>Note 17</b>)</p> <ul style="list-style-type: none"> <li>• The system being designed must be able to allow erasure of data. What processes will be in place to manage requests for erasure?</li> <li>• What process will be in place to notify any recipients of the personal data that it has now been erased?</li> </ul>	<p>The GDPR and the Data Protection Act 2018 strengthen the rights of individuals, as data subjects, in relation to the personal data that Police Scotland holds about them.</p> <p>Concerning this right, the Air Support Unit will work with Information Assurance, who process such requests as a statutory obligation, and respond accordingly. The above right is subject to exemptions that we may apply, for example if data is being processed for law enforcement purposes or under a legal obligation.</p>

Q36	<p><b>DPA 2018 Section 62</b></p>	<p><b>Logging:</b> (Refer to guidance <a href="#">Note 18</a> )</p> <p>Confirm that the system you are proposing will meet the requirements of Section 62, and the requirement to be auditable, and how you will ensure this.</p> <p>Every effort must be made to ensure the logs record the identity of the following :</p> <ul style="list-style-type: none"> <li>• the person who accessed the personal data and/or</li> <li>• the person who disclosed the data and/or</li> </ul>	<p>The RPAS do not have any logging capacity and there are no individual log ons to the systems.</p> <p>Details of flights undertaken by the RPAS are recorded on a Sharepoint system in line with current practice for the force helicopter. From this data it would be possible to identify who was operating a particular device at a particular time.</p>
		<p><input type="checkbox"/> the recipients(s) of the data, however, if it is not possible, then the reason for this must be documented.</p>	
Q37		<p><b>Security of processing:</b></p> <p><input type="checkbox"/> Will the data be encrypted?</p> <p><input type="checkbox"/> Will the data be pseudonymised? If so how?</p> <p><input type="checkbox"/> How will the data be protected against risk of loss, confidentiality, availability and integrity?</p> <p><input type="checkbox"/> Will back-ups be taken? If so, when/how often?</p>	<p>No.</p> <p>No</p> <p>Access to data stored on hard drives is limited to Air Support Unit staff and behind the Police Scotland firewall.</p> <p>SD cards are re-formatted after every use.</p> <p>No.</p>



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	<b>DPA 2018 Section 66</b>	<input type="checkbox"/> Will the security of the system be required to have any formal accreditation or independent certification (e.g. ISO27001)?	No.
		<input type="checkbox"/> What processes will be in place to determine who will have access to the data/system?	Access will be provided to ASU personnel only.
		<input type="checkbox"/> What level of security clearance will be required to access the system/data?	All ASU officers have RV level vetting as per the Vetting SOP. This is sufficient for ASU day to day business.
		<input type="checkbox"/> What data protection/security training will users of the data/system be required to have?	ASU personnel have already completed the DP Moodle package.
		<input type="checkbox"/> How will access to the system be granted?	ICT profile rights - ASU personnel only.
		<input type="checkbox"/> What information asset register and/or risk register will the data be recorded on?	Police Scotland Asset Register
		<input type="checkbox"/> Will you have a SyOps/Procedure manual/SOP, etc. to detail the above?	Yes
Q38	<b>Consultation</b>	<b>Consultation Requirements:</b> (Refer to guidance <a href="#">Note 19</a> ) C:\Users\5057280\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\XG3VVXHS\Data Protection Impact Assessment - Law Enforcement Processing - Guidance.doc - _Hlk507408266	ASU RPAS Project team have engaged with a number of other Forces in England - Cumbria Constabulary, Devon & Cornwall Police and Sussex Police. These 3 Forces have well established RPAS units with all the necessary DP requirements in place and signed off at Executive and Police & Crime Commissioner level.

Q39	<p style="text-align: center;"><b>DPA 2018 Sections 72 to 78</b></p>	<p><b>Data Transfers Outwith the UK:</b> (Refer to guidance <a href="#">Note 20</a>)</p> <ul style="list-style-type: none"> <li>• Will the data be held or transferred to a third country (i.e. outwith the EU)?</li> <li>• If yes, for what purpose, and to where will it be held or transferred?</li> <li>• If yes, what processes will be place to ensure it is adequately protected?</li> <li>• Will the data be held or transferred to another country inside the EU?</li> <li>• If yes – for what purpose and to where will it be held or transferred?</li> </ul>	No.
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**Part 5 – Other privacy legislation and policies**

<p>In this section, assess the other rights that data subjects have. This helps balance the final risk assessment.</p>			
Q40	<p><b>RIPSA 2000/RIP(S)A 2000</b></p>	<p>Does the project involve the use of powers within the RIPA 2000 or RIP(S) A 2000? If so, detail the relevant parts of the legislation.</p>	<p>Whilst the majority of deployments will be overt, there may on occasion when the RPAS is used covertly when Section 6(10), Sect 26(9)(a) and Sect 71 RIP(S)A 2000 will apply.</p> <p>The new Investigatory Powers Act has been reviewed and will not impact the operational deployment of RPAS.</p>

Q41	<b>Human Rights Act 1998</b>	<p><b>Article 2: Right to Life</b>                  Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to life, subject to any limitations as may be defined in Article 2(2)?</p> <p>For the avoidance of any doubt, the limited circumstances are that in peacetime, a public authority may not cause death unless the death results from force used as follows:</p> <ul style="list-style-type: none"> <li>• Self-defence or defence of another person from unlawful violence;</li> <li>• Arresting of someone or the prevention of escape from lawful detention; and</li> <li>• A lawful act to quell a riot or insurrection.</li> </ul>	<p>No. The primary function of the Police is to protect life. These systems will be used in a number of policing roles including the search for missing people. They will enhance the current Air Support capability allowing Police Scotland greater flexibility in protecting the people of Scotland.</p> <p>All RPAS operations will strictly adhere to aviation law as well as those permissions granted to Police Scotland by the Civil Aviation Authority (CAA). A robust Operating Safety Case and Operations manual are in the process of being drafted and these will form the backbone of an application for commercial operations which will be made to the CAA.</p>
Q42		<p><b>Article 3: Prohibition of Torture</b>                  Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to be not subjected to torture or inhuman or</p>	No.
		<p>degrading treatment?                  For the avoidance of doubt, this is an absolute right.</p>	

**Part 5 – continued**

<p>Q43</p>	<p><b>Article 4: Prohibition of Slavery or Forced Labour</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to be not held in servitude or forced to perform compulsory labour?</p> <p>For the avoidance of doubt, this is an absolute right; the following are excluded from being defined as forced or compulsory labour:</p> <ul style="list-style-type: none"> <li>• Work done in ordinary course of a prison or community sentence;</li> <li>• Military service;</li> <li>• Community service in a public emergency; and normal civic obligations</li> </ul>	<p>No.</p>
<p>Q44</p>	<p><b>Article 5: Right to Liberty and Security</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to be not deprived of their liberty subject to certain limitations?</p> <p>For avoidance of doubt, the following limitations apply when a person is:</p> <ul style="list-style-type: none"> <li>• Held in lawful detention after conviction by a competent court;</li> <li>• Lawfully arrested or detained for non-compliance with a lawful court order or the fulfilment of any</li> </ul>	<p>No. The RPAS will allow Police Scotland to provide an enhanced air support function to the public and partners. Police Scotland will be seen to be developing new, innovative and bold techniques to perform one of their main functions, that of protecting life and improving security.</p>

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		<p>lawful obligation;</p> <ul style="list-style-type: none"> <li>• Lawfully arrested or detained to effect the appearance of the person before a competent legal authority;</li> <li>• Lawfully detained to prevent the spreading of infectious diseases;</li> <li>• Lawfully detained for personal safety (applies to persons of unsound mind, drug addicts etc.); and</li> <li>• Lawfully detained to prevent unlawful entry into the country or lawful deportation from the country.</li> </ul>	
Q45		<p><b>Article 6: Right to a Fair Trial</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to have a public hearing within a reasonable time by an independent and impartial tribunal established by law?</p> <p>For the avoidance of doubt, the hearings included are both civil and criminal proceedings that are not specifically classified as hearings that must be heard 'in camera', i.e. closed to the public.</p>	No.
Q46		<p><b>Article 7: Right to no Punishment without Law</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to not be prosecuted for a crime that was not, at the alleged time of commission, constitute a criminal offence under national or international law?</p> <p>For the avoidance of doubt, this is an absolute right.</p>	No.

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Q47		<p><b>Article 8: Right to Respect for Private and Family Life</b></p> <p>Does the project involve new or existing data processing that adversely impacts an individual's right to respect for privacy in terms of their private and family</p>	<p>No.RPAS are capable of obtaining personal information and of flying in areas where people could have high expectations of maintaining their privacy. In addition individuals may not necessarily be aware that they are being recorded.</p>
		<p>life (subject to certain qualifications)? For the avoidance of doubt, the qualifications are:</p> <ul style="list-style-type: none"> <li>• Legal compliance;</li> <li>• National security;</li> <li>• Public safety;</li> <li>• National Economy;</li> <li>• Prevention of crime and disorder; <input type="checkbox"/> Protection of public health and morals;</li> <li>• Protection of rights and freedom of others.</li> </ul>	<p>RPAS are deployed only in circumstances where they information they may obtain will assist Police Scotland to prevent and detect crime or protect the public.</p>
Q48		<p><b>Article 9: Right to Freedom of Thought, Conscience and Religion</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to freedom of thought, conscience and religion subject to certain qualifications?</p> <p>For the avoidance of doubt, the qualifications are:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Unless prescribed by law;</li> <li><input type="checkbox"/> In interest of public safety;</li> <li><input type="checkbox"/> Protection of public order, rights or morals;</li> <li><input type="checkbox"/> Protection of rights and freedoms of others.</li> </ul>	<p>No.</p>

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Q49	<p><b>Article 10: Right to Free Expression</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to hold opinions and express their views singly or in dialogue subject to certain qualifications?</p> <p>For the avoidance of doubt, the qualifications are set out in Article 9 above.</p>	No.
Q50	<p><b>Article 11: Right Freedom of Assembly and Association</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to freedom of peaceful assembly and association with others subject to certain qualifications?</p> <p>For avoidance of doubt, the qualifications are set out in Article 9 above.</p>	No. RPAS could be deployed to assemblies, parades or demonstrations to provide real-time imagery in support of any policing operation. The systems will be deployed where it is necessary and proportionate and in support of a legitimate aim, for example to aid public safety, prevent disorder and in the protection of the rights and freedoms of others. All necessary steps will be taken to ensure that the rights of those involved in such events are respected and not hindered by the deployment of the unmanned systems. The police are duty bound to facilitate peaceful assembly and the deployment of these systems will aid in that endeavour.
Q51	<p><b>Article 12: Right to Marry</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to marry and found a family subject to certain restrictions?</p> <p>For the avoidance of doubt, the restrictions are regulated by law so long as they do not effectively take away the right, e.g. age restrictions apply</p>	No.

Q52	<p><b>Article 14: Right to Freedom from Discrimination</b></p> <p>Does the project/policy/initiative involve new or existing data processing that adversely impacts an individual's right to be treated in a manner that does not discriminate the individual from others subject to certain restrictions?</p> <p>For the avoidance of doubt, this right is restricted to the conventions as set out in the European Convention of Human Rights 1950; the grounds for discrimination can be based on:</p> <ul style="list-style-type: none"> <li>• Sex</li> <li>• Race</li> </ul>	No.
	<ul style="list-style-type: none"> <li><input type="checkbox"/> Colour</li> <li><input type="checkbox"/> Language</li> <li><input type="checkbox"/> Religion</li> <li><input type="checkbox"/> Political persuasion</li> <li><input type="checkbox"/> Nationality or social origin</li> <li><input type="checkbox"/> Birth</li> <li><input type="checkbox"/> Other status</li> </ul>	

**Part 6 – Risks to the rights and freedoms of data subjects of the proposed processing**

In this section, using the information you have gathered so far in the DPIA, complete a final risk assessment (Refer to guidance [Note 21](#))



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<b>Risk(s) identified to the rights and freedoms of data subjects</b>	<b>Likelihood and severity score</b>	<b>Mitigation(s)</b>	<b>Result:</b> is the risk eliminated, reduced, or accepted?	<b>Evaluation:</b> is the final impact on individuals after implementing each solution a justified, compliant and proportionate response to the aims of the project?
<p><b>RPAS being operated within public area near to persons who perceive an intrusion of privacy by the presence of the RPAS.</b></p>	<p><b>Likelihood - XXXX Impact - XXXX XXXX</b></p>	<p><b>RPAS only being used for a genuine policing purpose. RPAS pilots will receive training to include the potential effects of RPAS operations in public areas. RPAS pilots will be overt, uniformed police officers. Officers will ensure open and transparent communication with</b></p>	<p><b>Reduced Likelihood - XXXX Impact - XXXX  XXXX</b></p>	<p><b>Yes.</b></p>
		<p><b>the public at all times regarding use of RPAS.</b></p>		

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<p>Collateral intrusion during imagery capture utilising RPAS. Persons not connected with the policing incident visually recorded by RPAS.</p>	<p>Likelihood - XXXX Impact - XXXX  XXXX</p>	<p>RPAS only being used for a genuine policing purpose. RPAS pilots given guidance on collateral intrusion and how to minimise this effect where possible. Recording of imagery will not be a default setting and the record function activated when required. Data storage and retention policy will be adhered to. Non-evidential data that is not required for any policing purpose will be deleted after 28 days.  Evidential data which includes the collateral intrusion by capturing images of persons will be stored securely as evidence and not made available to</p>	<p>Reduced Likelihood - XXXX Impact - XXXX  XXXX</p>	<p>Yes.</p>
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		the public. It will only be accessible by the reporting officer/ enquiry officer/ SIO/ COPFS if required.		
Access of data by unauthorised persons within Police Scotland. Imagery captured by RPAS and then viewed by unauthorised staff.	Likelihood - XXXX Impact - XXXX  XXXX	All imagery captured via the RPAS SD card is removed and either transferred to CD for a reporting officer/ enquiry officer/ SIO as a production for criminal proceedings. The CD will be the responsibility of that person and lodged as a production.	Reduced Likelihood - XXXX Impact - XXXX  XXXX	Yes.

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<p>Access of data from the RPAS if obtained by public</p>	<p>Likelihood - XXXX Impact - XXXX  XXXX</p>	<p>Data from RPAS will not be shared with the public unless authorised by Police Scotland and to support an ongoing appeal for information/ investigation. RPAS will be in the possession of police officers at all times whilst in</p>	<p>Reduced Likelihood - XXXX Impact - XXXX  XXXX</p>	
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public or stored securely within police premises. If the RPAS requires to be serviced or repaired by an authorised supplier all data will be removed prior to this.

The RPAS will be operated within line of sight of the pilots at all times, apart from exceptional threat to life situations. Should the RPAS suffer a malfunction and detach from controlled flight, its final landing site will be marked and the RPAS recovered by police immediately. If the pilot believes that hostile members of the public will obtain the RPAS before it can be recovered by Police, they can remotely re-format the SD card,

deleting all data.

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<p><b>Use of RPAS without Consent</b></p>	<p>Likelihood - XXXX Impact - XXXX  XXXX</p>	<p>There will be no requirement to obtain consent from persons within the operating area before deploying the RPAS, as the actions of the police are deemed to be lawful, in “addressing a pressing social need” within a specific policing purpose. Permission will be obtained from Air Traffic Control when flying in certain locations. Should a complaint be made around this at the time of utilising the RPAS, the police officer should advise the person that:</p> <ul style="list-style-type: none"> <li>• Non-evidential data that is not required for a policing purpose will be deleted after 28 days.</li> </ul>	<p>Reduced Likelihood - XXXX Impact - XXXX  XXXX</p>	<p>Yes.</p>
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- The data is

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restricted and is not available to the public, and will only be disclosed to third parties when the circumstances are needed and legitimate.

- Recorded data is police information, which can be requested in writing in accordance with the DPA, unless an exemption applies in the circumstances.

The RPAS pilot can decide on a case by case basis whether to stop recording, or end the deployment of the RPAS.

Though they should be aware that they may need to justify a failure to record an incident just as much as they may need to justify recording it. In all cases the use of the RPAS will only be

		used for a specific		
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		<b>policing purpose.</b>		

Once the DPIA has been completed in full, it must be referred to IM to check for completion. Please forward to the [Information Assurance](#) or [ISO](#) mailbox. Once approved, it will be returned signed by the DPO.

**Part 7 – Approval**

Data Protection Officer:

Signature:

Date:

**Strategic Information Asset Owner:**

Signature:

Date:

<b>Division</b>	OSD	<b>Department</b>	Air Support Unit
<b>File Path Record</b>			

## Police Scotland / SPA Equality and Human Rights Impact Assessment (EqHRIA)

This form is to be completed in accordance with the instructions as set out in the EqHRIA SOP and the EqHRIA Form Guidance.

<b>Name of Policy / Practice</b> (include version number)	Introduction of Unmanned Aerial Systems (UAS)
<b>Owning Department</b>	Air Support Unit

### 1. Purpose and Intended Outcomes of the Policy / Practice - Consider why this policy / practice is being developed / reviewed and what it aims to achieve.

The purpose of this paper is to update the members of the Scottish Police Authority in relation to the ongoing work to deploy Unmanned Aerial Systems as part of the current Air Support function.

### 2. Other Policies / Practices Related or Affected - Which other policies / practices, if any, may be related to or affected by the policy / practice under development / review?

Air Support Unit SOP  
 Civil Aviation and Military Aircraft SOP  
 Armed Policing Operations SOP  
 Public Order SOP  
 Data Protection SOP  
 Secure destruction and Disposal of Data SOP  
 Surveillance SOP

**NOT PROTECTIVELY MARKED**

**3. Who is likely to be affected by the policy / practice? (Place 'X' in one or more boxes)**

No impact on people	<input type="checkbox"/>	Police Officers	<input checked="" type="checkbox"/>	Special Constables / Cadets	<input checked="" type="checkbox"/>	SPA / Police Staff	<input checked="" type="checkbox"/>	Communities	<input checked="" type="checkbox"/>	Partnerships	<input type="checkbox"/>
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**3.1 Screening for Relevance to Equality Duty** – if the policy / practice is considered to have no potential for direct or indirect impact on people, an Equality Impact Assessment is not required. Provide information / evidence to support this decision below, then proceed to Section 5 of the form, otherwise complete all sections.

**It has been decided not to complete an equality impact assessment because**

**4. Equality Impact Assessment - Consider which Protected Characteristics, if any, are likely to be affected and how.**

4.1 Protected Characteristics Groups	4.2 Likely Impact Positive, Negative or No Impact (Assessment of Low / Medium / High impact)	4.3 Evidence Considered (e.g. legislation / common law powers, community / staff profiles, statistics, research, consultation feedback) <b>Note any gaps in evidence and any plans to fill gaps.</b>	4.4 Analysis of Evidence (Summarise how the findings have informed the policy / practice – include justification of assessment of No Impact)
<b>General / Relevance to All</b>			
<b>Age</b>	Negative/Low	Potential for negative impact on elderly within the community.	Deployment of the UAS might negatively impact on elderly people in the community due to lack of familiarity with modern technology and perception of intrusion of privacy.  See section 8 – mitigating actions
<b>Disability</b>	No Impact		No inferred impacts have been identified regarding this protected group. Officers selected to operate the UAS will be operational police officers and as such will have completed Operational Safety Training.
<b>Gender Reassignment</b>	No Impact		There is no evidence that the introduction of UAS will have any impact in relation to this

**NOT PROTECTIVELY MARKED**



**NOT PROTECTIVELY MARKED**

			protected group. Cognisance will always be made of equality issues. Where any impacts are identified, they will be considered as part of the review process.
<b>Marriage and Civil Partnership</b>	No Impact		There is no evidence that the introduction of UAS will have any impact in relation to this protected group. Cognisance will always be made of equality issues. Where any impacts are identified, they will be considered as part of the review process.
<b>Pregnancy and Maternity</b>	No Impact	Refer to Adoption, Maternity and Paternity SOP	Should a female officer declare that she is pregnant, the appropriate risk assessments will be conducted to ensure health and safety of the officer and the unborn child whilst conducting UAS operations
<b>Race</b>	Negative/Low	Deployment of the UAS might affect some ethnic minority communities who might get the impression they are targets of police surveillance.	See section 8 – mitigating action  Feedback received during the research and consultation with other forces who currently utilise unmanned systems has shown that early engagement with local communities and media has resulted in positive feedback from members of the public and has bolstered public confidence in policing.
<b>Religion or Belief</b>	Negative/Low	Deployment of the UAS might affect some ethnic minority communities who might get the impression they are targets of police surveillance.	See section 8 – mitigating action  Feedback received during the research and consultation with other forces who currently utilise unmanned systems has shown that early engagement with local communities and media has resulted in positive feedback from members of the public and has bolstered public confidence in policing.
<b>Sex</b>	No Impact		There is no evidence that the introduction of UAS will have any impact in relation to this protected group. Cognisance will always be

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**NOT PROTECTIVELY MARKED**

			made of equality issues. Where any impacts are identified, they will be considered as part of the review process.
<b>Sexual Orientation</b>	No Impact		There is no evidence that the introduction of UAS will have any impact in relation to this protected group. Cognisance will always be made of equality issues. Where any impacts are identified, they will be considered as part of the review process.

**5. Human Rights Impact Assessment - Consider which rights / freedoms, if any, are likely to be protected or infringed?**

<b>5.1 Rights / Freedoms Relevant to Policing</b>	<b>5.2 Assessment</b> Protects and / or Infringes or Not Applicable	<b>5.3 Analysis</b> What evidence is there as to how the process / practice protects or infringes Human Rights.	<b>5.4 Justification</b> – Summarise the following: <ul style="list-style-type: none"> <li>• Legal Basis</li> <li>• Legitimate Aim</li> <li>• Necessity</li> </ul>
<b>Article 2</b> Right to Life	Protects	<p>The primary function of the Police is to protect life. These systems will be used in a number of policing roles including the search for missing people. They will enhance the current Air Support capability allowing Police Scotland greater flexibility in protecting the people of Scotland.</p> <p>All unmanned operations will strictly adhere to aviation law as well as those permissions granted to Police Scotland by the Civil Aviation Authority (CAA). A robust Operating Safety Case and Operations manual are in the process of being drafted and these will form the backbone of an application for commercial operations which will be made to the CAA.</p>	<p>The primary function of the police is to protect life therefore Police Scotland is duty bound to utilise all options to fulfil this role. Particularly in the case of missing people it is necessary to act as swiftly as possible deploying resources appropriately to protect people when they are at their most vulnerable. There are a number of other scenarios where these systems will assist in protecting life, ranging from major incidents and events to public order and firearms incidents.</p>
<b>Article 3</b> Prohibition of Torture	N/A		

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**NOT PROTECTIVELY MARKED**

<b>Article 4</b> Prohibition of Slavery and Forced Labour	N/A		
<b>Article 5</b> Right to Liberty and Security	Protects	The unmanned systems will allow Police Scotland to provide an enhanced air support function to the public and partners. Police Scotland will be seen to be developing new, innovative and bold techniques to perform one of their main functions, that of protecting life and improving security.	As above
<b>Article 6</b> Right to a Fair Trial	N/A		
<b>Article 7</b> No Punishment without Law	N/A		
<b>Article 8</b> Right to Respect for Private and Family Life	Infringes	<p>The unmanned aerial systems are capable of obtaining personal information and of flying in areas where people could have high expectations of maintaining their privacy. In addition individuals may not necessarily be aware that they are being recorded.</p> <p>Privacy Impact Assessment will be carried out and all requirements in relation to data security including the new General Data Protection Regulations (GDPR) will be met.</p>	The unmanned systems will be deployed in a manner that is proportionate and justifiable and always where there is a legitimate aim. Data will only be recorded where absolutely necessary and it will be stored or deleted in strict accordance with data protection guidelines. Any covert work will meet with the strict criteria laid down in the RIPSAs legislation
<b>Article 9</b> Freedom of Thought, Conscience and Religion	N/A		
<b>Article 10</b> Freedom of Expression	N/A		

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

<p><b>Article 11</b> Freedom of Assembly and Association</p>	<p>Protects</p>	<p>The unmanned aerial systems could be deployed to assemblies, parades or demonstrations to provide real-time imagery in support of any policing operation.</p>	<p>The systems will be deployed where it is necessary and proportionate and in support of a legitimate aim, for example to aid public safety, prevent disorder and in the protection of the rights and freedoms of others. All necessary steps will be taken to ensure that the rights of those involved in such events are respected and not hindered by the deployment of the unmanned systems. The police are duty bound to facilitate peaceful assembly and the deployment of these systems will aid in that endeavour.</p>
<p><b>Article 14</b> Prohibition of Discrimination</p>	<p>N/A</p>		
<p><b>Protocol 1, Article 1</b> Protection of Property</p>	<p>N/A</p>		

**6. Decision - Decide how you will proceed in light of what your analysis shows (Place 'X' in appropriate box)**

<p>6.1</p>	<p>Actual or potential unlawful discrimination and / or unlawful interference with human rights have been identified, which cannot be justified on legal / objective grounds. Stop and consider an alternative approach.</p>	<p><input type="checkbox"/></p>
<p>6.2</p>	<p>Proceed despite a potential for discrimination and / or interference with human rights that cannot be avoided or mitigated but which can and have been justified on legal / objective grounds.</p>	<p><input checked="" type="checkbox"/></p>
<p>6.3</p>	<p>Proceed with adjustments to remove or mitigate any identified potential for discrimination and / or interference in relation to our equality duty and / or human rights respectively.</p>	<p><input type="checkbox"/></p>
<p>6.4</p>	<p>Proceed without adjustments as no potential for unlawful discrimination / adverse impact on equality duty or interference with human rights has been identified.</p>	<p><input type="checkbox"/></p>

**7. Monitoring and Review of Policy / Practice - State how you plan to monitor for impact post implementation and review policy / if required, and who will be responsible for this.**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

The owning Department will monitor changes in legislation/circumstances which may affect the SOP and assess how these changes may impact on the protected groups.

In addition they will be responsible for the cyclical review of both the Standard Operating Procedures and the Equality and Human Rights Impact Assessment.

**8. Mitigation Action Plan - State how any adverse / disproportionate impact identified has been or will be mitigated.**

Issue / Risk Identified	Action Taken / to be Taken	Action Owner / Dept.	Completion Date	Progress Update
<p>Any project or set of new processes that potentially involves gathering personal information may give rise to privacy concerns from the public.</p>	<p>Given the potential risks around public perceptions surrounding privacy, a privacy impact assessment will take place and this document along with positive media engagement is a method by which to alleviate any public concerns for the use of this relatively new technology.</p> <p>An internal and external communications strategy has been instigated and there will be an appropriate media release prepared in advance of any operational</p>	<p align="center">OSD</p>		<p>17/04/2019 - The term UAS has now changed to 'Remotely Piloted Aircraft Systems' - RPAS.</p> <p>Data Protection Impact Assessment completed and signed off by ACC Williams in December 2018.</p>

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**NOT PROTECTIVELY MARKED**

	deployment.			

**9. Management Log**

**9.1 EqHRIA Author Log**

<b>Name and Designation</b>	PI Nicholas Whyte	<b>Date (DD/MM/YY)</b>	19/02/2018
<b>Comments</b>			
<b>Name and Designation</b>		<b>Date (DD/MM/YY)</b>	
<b>Comments</b>			
<b>Name and Designation</b>		<b>Date (DD/MM/YY)</b>	
<b>Comments</b>			

**9.2 Quality Assurance Log**

<b>Name and Designation</b>	PC Tomasz Lotarewicz	<b>Date</b>	23/02/18	<b>Document Version</b>	
<b>Comments</b>	<p>This EqHRIA was based on a briefing paper titled "Operational Policing Pilot" outlining the ongoing work to deploy UAS in policing - this was presented to the SPA.</p> <p>This assessment is accurate with relation to the aforementioned document (on which it was based) however the EqHRIA Team never received any additional documents regarding this project. On author's specific request the title of the EqHRIA is different from the one of the assessed document (which would not normally be the case).</p>				

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

	Any future documents e.g. SOPs/Guidance documents/Toolkits etc. relating to UAS will require their own EqHRIAs.			
<b>Name and Designation</b>		<b>Date</b>		<b>Document Version</b>
<b>Comments</b>				
<b>Name and Designation</b>		<b>Date</b>		<b>Document Version</b>
<b>Comments</b>				

**9.3 Divisional Commander / Head of Department Log**

<b>Name and Designation</b>	Carol McGuire Supt Specialist Operations OSD	<b>Date (DD/MM/YY)</b>	23/02/18
<b>Comments</b>	All noted.		
<b>Name and Designation</b>		<b>Date (DD/MM/YY)</b>	
<b>Comments</b>			
<b>Name and Designation</b>		<b>Date (DD/MM/YY)</b>	
<b>Comments</b>			

**9.4 Publication of EqHRIA Results Log**

<b>Name and Designation</b>		<b>Date Published</b>		<b>Location of Publication</b>
<b>Comments</b>				
<b>Name and Designation</b>		<b>Date Published</b>		<b>Location of Publication</b>
<b>Comments</b>				
<b>Name and Designation</b>		<b>Date Published</b>		<b>Location of Publication</b>

**NOT PROTECTIVELY MARKED**

<b>Comments</b>	
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