

25 February 2021

John Finnie MSP  
Convener  
Justice Sub Committee on Policing  
Room T2.60  
The Scottish Parliament  
Edinburgh  
EH99 1 SP



**ASSISTANT CHIEF CONSTABLE**  
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Dear Mr Finnie

**Re: Remote Piloted Aircraft Systems**

I write in reply to your correspondence (18/02/21) in relation to the Data Protection Impact Assessment (dated 12/03/20) for the Police Scotland (PS) use of Remotely Piloted Aircraft Systems (RPAS).

**DPIA**

The current DPIA for PS RPAS was completed in March 2020, following an annual review and superseded the 2019 version. This version of the DPIA was also relevant at the time when the Scottish Police Authority (SPA) instructed PS to restrict RPAS deployments to missing persons and critical incidents in November 2020. The DPIA was not reviewed at that time, as it remained relevant and fit for purpose, despite the change to the deployment model. The DPIA is currently being updated and will be completed by mid-March 2021.

As you are aware a DPIA is a legal requirement when a controller of personal data (in this case PS) proposes to process personal data that could result in a high risk to the rights and freedoms of individuals, and is a framework to identify and mitigate data protection risk. The DPIA in respect of RPAS reflects all RPAS operations and encapsulates the full scope of possible deployments in order that risk can be considered and minimised. By way of example, RPAS has never been deployed to football matches but this is included in the DPIA regardless.

A DPIA describes proposed processing of personal data and captures details about its nature, scope, context and purpose.

Part 1 of the document allows us to determine whether the proposed processing is likely to result in a high risk to the rights and freedoms of data subjects and Part 2 allows us to make an assessment of the legality of the processing, the governance arrangements around it and the associated risks.

## OFFICIAL

2.

Where data protection risks are identified, these are scored by assessing the likelihood of them occurring and the impact on the individuals before and after mitigation measures are put in place. In the event that a risk remains 'High' after all possible mitigations are put in place, then the processing cannot commence and PS must self-refer to the Information Commissioners Office if we still wish to go ahead. No risks higher than 'Medium' were identified in relation to RPAS operations.

All DPIAs are approved and risks accepted by the Strategic Information Asset Owner (in this instance me as ACC Operational Support Division) for the particular data prior to any processing commencing. The term 'Client' is an internal reference and relates to the Officer/Police Department making the request for aerial imagery.

The RPAS DPIA is reviewed annually to make sure that the details remain current and the next version will be updated to include, amongst other things, up to date information about operational use and concerns raised by the public and their representatives and how they are being addressed.

On 9 March 2021, a revised Evaluation Report will be presented to the SPA Police Performance Board Committee. It will detail PS's wider operational use of RPAS beyond missing person investigations.

The DPIA is contingency based and, as you are aware, PS has informed the Justice Sub-Committee on Policing in writing and in evidence that drones have not been used for covert directed surveillance and that there are no plans to do so. It is prudent, however, that the DPIA cover all possibilities which is what we have sought to do in order to be transparent.

It remains the case, and it is reflected in the DPIA, that PS may have to consider whether their use is appropriate for national security or terrorist incidents. PS has been clear in its public communications on drones that they would be used for missing person searches as well as for disorder and events.

Having reference to covert use of drones in the DPIA and EqHRIA does not equate to an intention to use the drones covertly, and therefore PS is content that its evidence to the Sub-Committee is not contradictory.

For the avoidance of any doubt, PS does not use facial recognition technology as has been stated on numerous occasions.

The introduction of RPAS has enhanced the PS Air Support Unit capability together with increased operational effectiveness. The ability to deploy RPAS to certain tasking reduces the burden on the PS helicopter, increasing its availability around Scotland, including a unit based at Glasgow for critical incidents, but also presents significant cost savings in terms of tasking carried out by RPAS. The deployment of each is detailed in the SPA Evaluation Report.

In addition to the 3 x DJI M210, PS owns 4 x DJI Phantom 4 systems. Three Phantoms were purchased initially to commence crucial flight training for officers prior to attending a national training course. This enabled them to gain the necessary experience and skills required to operate RPAS competently and safely. A fourth DJI Phantom was then given to PS from COPFS. This machine had been a production in a criminal case, was no longer required and was to be disposed of, however COPFS were aware of work ongoing in PS re RPAS and offered the platform for use. The costings in respect of the purchase of the units was detailed in our letter to you dated 3 February 2021. There are no plans to purchase additional drones at this time.

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3.

The DJI Phantom is not suitable for missing person searches as it does not carry a thermal image camera. However its ease of use and quick set up makes it more suited to short duration tasks such as photographic work. The different platform type provides additional flexibility and resilience.

### **Manufacturer**

In terms of your query regarding data and the manufacturer, the manufacturer (DJI) has limited access to GPS data as every flight is recorded. This is standard practice and is used in Air Accidents Investigations Branch (AAIB) investigations and forms a critical part of their work. It is also useful during searches as the flight path can be tracked. The manufacturer does not have access to any imagery as it is stored on a separate Micro SD card which is on-board the aircraft. When images are taken they are removed from the Micro SD card then processed on the PS system before the card is formatted, deleting the data and then returned to the aircraft. The PS RPAS are not routinely deployed over sensitive sites and the number of images that are recorded remains relatively small compared to the number of flights, none of which are accessible by the manufacturer.

In relation to your query in respect of research projects, PS has written separately to the Justice Sub-Committee on Policing to provide further information. I trust this information will address your concerns.

Yours sincerely



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Operational Support