



FREEDOM OF INFORMATION REQUEST



Request Number: F-2014-04617

Keyword: Operational Policing

Subject: Drones

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 2 to 3 in full; and
- fully exempt information in response to question 1 pursuant to the provisions of Sections 24 and 31 of the Act.

Question 1

Since the introduction of drones how many times have they been deployed?

Answer

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 24 (1) – National Security

Section 31 (1)(a)(b) – Law Enforcement

Sections 24 and 31 are prejudice-based, qualified exemptions. This means the legislators have agreed there would be harm if this information was released and a Public Interest Test and Harm Test must be carried out.

Harm Test

Section 24

To reveal the number of times this important resource has been utilised would give direct insight into the frequency of their operational use which would be of direct use to criminals and terrorist groupings. Use on a small number of occasions would confirm to these people that they had nothing to fear from this PSNI tactic, likewise confirmation of use on a large scale would highlight to criminals/terrorists, the need to identify and undertake proactive measures to counter this PSNI tactic. This would have an adverse impact on National Security and the detection of crime.

Section 31

The release of the requested information would reveal police tactics and the capabilities of these resources giving important information to criminals. The release of this detailed information would allow criminals to identify the strengths and weakness of this resource and they would be able to use this information in planning criminal acts. This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of criminals by the PSNI and increase the fear of crime in the community the PSNI seeks to serve.

Public Interest Test

Factors favouring release - Section 24

Release of this information would reassure the public that the PSNI is actively seeking to protect the public and fulfil its National Security obligations. It would also lead to a better informed public and public debate.

Factors favouring retention – Section 24

The threat to National Security in Northern Ireland is designated as severe as evidenced by recent booby trap bombs and car incendiary devices. To release information on the number of times the UAVs have been used would reveal police tactics and the resources available to the Service. This would give important information to terrorists and criminals.

Access to this information could be used by individuals or groups, who are intent on criminal activity, to take measures to avoid detection and carry out their criminal acts. Terrorists could target areas of weakness knowing that their activities are less likely to be detected.

Factors favouring release - Section 31

There is also a strong public interest in how the PSNI engages with its Law Enforcement role and also in times of public expenditure cuts the public have an interest in knowing how public money is being spent. Release of this information would better inform the public how the resources PSNI have invested in help to fulfil this Law Enforcement responsibility and also lead to openness and accountability.

Factors favouring retention - Section 31

Disclosure of the information would mean that individuals would know the capabilities and limitations of the UAVs as a tactical resource. To disclose the strengths and any possible weaknesses of the PSNI tactics 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.

Decision

While there is a strong public interest in how public money is being spent and how the PSNI is dealing with the threat to National Security as well as how it engages with its Law Enforcement role the PSNI 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 threat of a terrorist attack is assessed as severe in Northern Ireland and the release of operational data on police resources into the public domain has the potential to assist criminal elements to launch attacks. The PSNI 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 the information requested and that the PSNI is using exemptions appropriately to protect the information it holds.

Question 2

Since the introduction of drones how many accidents have occurred & any repair costs?

Answer

During training the PSNI has had two hard landing causing damage to the aircraft. There were no costs involved to the PSNI and repairs were carried out under the manufacturer's warranty.

Question 3

Since the introduction of drones how what savings have been made in the use of the PSNI helicopters?

Answer

The PSNI do not hold any information relevant to your request.

Partial NCND

In addition, the PSNI neither confirms nor denies that it holds any other information relevant to the covert use of UAV's 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 regarding the covert use of this equipment is held would show criminals what the capacity, tactical abilities and capabilities of the Service 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 UAV's covertly, 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 which is evidenced by recent incendiary attacks and thwarted bomb attacks in Northern Ireland, where the threat level is set at the second highest level of 'severe'. Since 2006, the UK Government have published the threat level, based upon current intelligence and it has recently raised the threat level in the rest of the UK to 'severe' reflecting the

present increasingly complex and unpredictable international security landscape.

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 UAV's 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. This 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.

Section 24

Factors favouring confirming or denying

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 how public funds are resources are used and what security measures are in place. By confirming or denying whether any other information regarding UAV's is held would lead to a better-informed public.

Factors against confirming or denying

By confirming or denying whether any other information is held in respect of the possible covert use of UAVs 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 in Northern Ireland.

Section 31

Factors favouring confirming or denying

Confirming or denying whether any other information is held in respect of any covert use of this resource 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. Confirming or denying 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 confirming or denying

Confirming or denying that any other information is held regarding the covert use of UAV's, 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 tactics or covert use 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 their ability to conduct similar investigations.

By confirming or denying whether any other information is held in relation to UAV's 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 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 is a sensitive issue that reveals local intelligence 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 UAV's, 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.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnj.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.