

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-02525

Keyword: Operational Policing

Subject: Drones Possessed and Drones in Use

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider that a partial neither confirm nor deny response by virtue of sections 23(5), 24(2) and 31(3) in respect of any other information that PSNI may hold is applicable to this request, our rationale is further explained within the response.

Request 1

Could you tell me the number of drones that are owned by PSNI?

Answer

The PSNI have owned 23 drones, however 4 are retired or grounded due to obsolescence but still stored.

Request 2

How many are currently in use?

Answer

There are currently 12 in use.

Request 3

As of 31st December 2019,

Answer

There were 7 in use.

Request 4

31st December 2020.

Request 5

21st October 2021

Answer

Please see answer 2

Partial NCND

In addition PSNI can neither confirm nor deny that it holds any further information relating to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 23(5) Information relating to the Security bodies

Section 24(2) National Security

Section 31(3) Law enforcement

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 23 is an absolute exemption which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Sections 24(2) and 31(3) are qualified, prejudice based exemptions and require evidence of harm and a public interest test to be carried out before they can be relied upon.

Evidence of Harm partial NCND

As you will 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 drones for covert purposes, 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 drones, 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, and it is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. As such, 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 the Police Service of Northern Ireland hold any other information in relation to covert use of drones, or unmanned aerial devices, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police forces' 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.

Public Interest Test

Factors favouring Confirming or Denying for Section 24

Any further 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 drones is held, would lead to a better informed public.

Factors favouring 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 Confirming or Denying for Section 31

Confirming or denying whether any other information is held regarding the covert use of drones would provide an insight into the PSNI. 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 Confirming or Denying for Section 31

Confirming or denying that any other information is held regarding the covert use of drones for surveillance 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 use of drones would hinder the prevention or detection of crime. The PSNI 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 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 PSNI will not divulge whether any information is or is not held regarding the use of drones 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 PSNI 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 all areas of operations carried out by police forces throughout the UK.

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 use of drones in any covert capacity is a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the

balancing test for confirming or denying whether any information is held regarding the use of drones is not made out.

However, this should not be taken as necessarily indicating that any information that would meet any future 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 Corporate Information Branch, 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 Corporate Information Branch, 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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their discretion.

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

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