



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-01436

Keyword: Organisational Information Technology and Equipment

Subject: Unmanned Aerial Vehicles (UAVs)

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland (PSNI) does hold some information to which your request relates and this is being provided to you. We consider the information you seek in request number 1(a) is partially exempt by virtue of Section 43 and Section 31 of FOIA and have detailed our rationale as to why this exemption applies. In relation to request number 2, Police Service of Northern Ireland is providing a partial NCND response and will explain this further in the response below. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

Does Police Service of Northern Ireland,

(a) own unmanned aerial vehicles (UAVs), commonly known as drones? If so, how many, and what type or make?

(b) sub-contract UAV services from an outside body, company, or other police force for police operations? If so, which body/company/forces and what type/make are used?

Answer 1(a)

The PSNI own 20 unmanned aerial vehicles (UAVs), commonly known as drones.

Answer 1(b)

The PSNI do not sub-contract UAV services from an outside body, company, or other police force for police operations.

Request 2

How many times has the Police Service of Northern Ireland used drones for police operations between the period of April 2022 and March 2023 (please provide this in monthly figures - if answering this question may exceed cost limits, a monthly estimate would be sufficient, though please state that these figures are estimated)? And, can you describe the type of operations in which drones have been used i.e. missing person search, public order, road traffic accident etc ?

Answer

2022	Operational Deployments	Type of Operations
April	39	Crime, Aerial Coverage, Parades, Event Management, Missing Person Search, Search, Public Order, Proactive Patrol.
May	21	
June	32	
July	30	
August	26	
September	33	
October	21	
November	20	
December	14	
2023		
January	21	
February	26	
March	39	

Request 3

Can you list the dates the Police Service of Northern Ireland have used UAVs in relation to protests or demonstration type events between April 2022 and March 2023, along with the name/type of event covered?

Answer

Date	Event
30/07/2022	Pride parade
16/08/2022	Internment bonfire
27/08/22	Protest
23/11/2022	Protest
04/03/2023	Protest

Request 4

How many complaints, if any, have been lodged with the Police Service of Northern Ireland about their use of UAVs during the period of April 2022 and March 2023?

Answer

No complaints have been lodged.

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

In addition, in relation to the covert use of 'Drones' or Unmanned Aerial vehicles (UAV's), PSNI neither confirms nor denies that it holds any other information relevant to the request by virtue of the following exemptions:

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

Section 24(2) - National Security

Section 31(3) - Law Enforcement

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

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate

the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

Harm for the partial NCND

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

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat is currently categorised as 'substantial', see link below:

<https://www.mi5.gov.uk/threat-levels>

The UK continues to face a sustained threat from violent extremists and terrorists.

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. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

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

Factors favouring Neither Confirming Nor Denying for Section 24

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

Factors against Neither Confirming Nor Denying for Section 24

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

Factors favouring Neither Confirming Nor Denying for Section 31

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

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

Factors against Neither Confirming Nor Denying for Section 31

Confirming or denying that any other information is held regarding the covert use of 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 covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any *modus operandi* employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the covert use of 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 regarding the covert use of UAV's if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

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

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest discussed above are sensitive issues that reveal local intelligence and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding the covert use of 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 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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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.psnipolice.uk

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