

Meeting	SPA Policing Performance Committee
Date	9 March 2021
Location	Video Conference
Title of Paper	RPAS Evaluation
Presented By	ACC Mark Williams
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A - D

PURPOSE

To provide a summary of the revised Remotely Piloted Aircraft Systems (RPAS) evaluation report which supersedes the report submitted to the SPA in 19 November 2020.

The revised report will provide detail around the wider operational deployment of RPAS over the evaluation period and provide further clarity with regards to privacy, human rights and other ethical issues. The evaluation details the recommendations in respect of the progression of RPAS.

Members are invited to discuss the contents of the report.

1. BACKGROUND

- 1.1 RPAS, colloquially referred to as drones, were introduced operationally on 1 May 2019 as an enhancement to the current Police Scotland Air Support Unit (ASU) providing a localised air support capability across Scotland.

A revised evaluation report was requested in November 2020, by the Scottish Police Authority Policing Performance Committee. The revised report provides clarity and reassurance of Police Scotland RPAS operations and compliance with data protection, human rights and aviation legislation, the following have been considered: -

- Best Value
- Privacy
- Human Rights
- Civil Aviation Authority (CAA) Compliance

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Police Scotland have a total of seven RPAS.
- 2.2 In order to comply with CAA regulations to train all RPAS pilots to a suitable standard prior to their attendance on a National course three DJI Phantom 4 platforms were purchased. These are primarily training machines. Subsequently three operational platforms (M210) were purchased.
- 2.3 A fourth DJI Phantom 4 was given to Police Scotland by the Crown Office. This machine had been seized as a production and on conclusion of the criminal case was to be destroyed.
- 2.4 All RPAS are located at Aberdeen, Inverness and Glasgow. RPAS have completed a total of 577 hours of flying and include use of different types of drone which will be detailed further in the report.
- 2.5 Police Scotland has not suffered in-flight failures or losses of RPAS.
- 2.6 The DJI M210 represents best value in terms of current technology, reliability, suitability and cost. The DJI M210 continues to be used successfully by a significant number of police forces and commercial users across the UK and globally.

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- 2.7 Police Scotland only deploys RPAS for a legitimate policing purpose, where it is considered necessary and appropriate to do so. Data Protection Impact Assessment (DPIA) and Equalities and Human Rights Impact Assessment (EqHRIA) were completed before RPAS were deployed operationally in May 2019. These are reviewed and updated annually to reflect changes in legislation, policy and technology.
- 2.8 All Police Scotland RPAS operations are governed by the CAA and are fully compliant with aviation legislation. The CAA has granted Police Scotland a Standard Permission and Operational Authorisation to undertake RPAS activity in support of policing operations in both urban and rural environments.
- 2.9 RPAS are deployed for missing person searches, however can also be deployed to a variety of policing incidents.
- 2.7 Police Scotland are currently developing a Code of Practice for RPAS use.
- 2.8 Downlink capability has been procured which could enable live footage from RPAS to any Area Control Room or the Police network.
- 2.9.1 The introduction of RPAS has enhanced the Police Scotland ASU capability and increased operational effectiveness. The ability to deploy RPAS to certain tasking reduces the burden on the Police Scotland helicopter, increasing its availability around Scotland for critical incidents but also presents significant cost savings in terms of tasking carried out by RPAS.

3. FINANCIAL IMPLICATIONS

- 3.1 The Police helicopter has fixed costs and this can vary dependant on the price of fuel. An initial financial assessment suggests the deployment of RPAS can bring significant financial savings. More detail can be provided if required.
- 3.2 Future funding will be required when a replacement for the DJI M210 is identified however this cannot be established at this time. The identification of a suitable and sustainable RPAS capability is ongoing

and in liaison with the National Police Chiefs Council. Thereafter a robust procurement process will be required to ensure that most effective model is identified to enhance future RPAS capability and capacity.

4. PERSONNEL IMPLICATIONS

- 4.1 There are 12 police officers trained to operate RPAS; 4 officers at Aberdeen, 4 at Inverness and 4 in Glasgow. The officers at Aberdeen and Inverness are embedded within the Operational Support Unit (OSU) and are not dedicated to RPAS operations. During the evaluation, this presented a challenge in terms of their availability given the nature of their core role at the OSU. OSD are reviewing the current resourcing of pilots to explore a more sustainable model and maximise operational availability.

5. LEGAL IMPLICATIONS

- 5.1 Police Scotland RPAS operations are fully compliant with aviation law and mandatory regulations set by the Civil Aviation Authority.

6. REPUTATIONAL IMPLICATIONS

- 6.1 Police Scotland continues to keep pace with industry developments as drone technology evolves. Not investing in emerging technology could reduce operational effectiveness which would potentially have a reputational impact.

7. SOCIAL IMPLICATIONS

There are no social implications associated with this report.

8. COMMUNITY IMPACT

- 8.1 It cannot be underestimated that this new technology together with the negative perception of 'drones' may cause public concern. Police Scotland recognises that there may be public concern in terms of impact on an individual's privacy.

- 8.2 Police Scotland only deploys RPAS for a legitimate policing purpose, where it is considered necessary and appropriate to do so. To identify and reduce risks to privacy, Police Scotland developed and completed a DPIA, also known as privacy impact assessment, which covers all police RPAS activity. The DPIA helps minimise the risks of harm to individuals through the processing of personal information.

9. EQUALITIES IMPLICATIONS

- 9.1 Police Scotland acknowledges that there may be future privacy and third party concerns surrounding the use of RPAS. In order to understand and mitigate such concerns, we will continue to review the current DPIA and EqHRIA which have been completed. In addition, we will also seek to widen the scope of engagement to address any such concerns with Local Policing Commanders and bodies including COSLA. The development of a Code of Practice will further enhance accountability.

10. ENVIRONMENT IMPLICATIONS

- 10.1 Use of RPAS can be considered a 'cleaner' option in relation to the environment as opposed to a helicopter which burns fuel.

RECOMMENDATIONS

1. Members are asked to note and discuss the evaluation report and the progress made in respect of the use of RPAS.
2. Members are asked to endorse the resumption of RPAS deployments to include other policing incidents and operations beyond missing person investigations when it is deemed necessary and proportionate and subject to the authority process outlined herein.
3. Members are asked to note the development of a Code of Practice.
4. Members are asked to note the procurement and provision of the downlink capability for RPAS.

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**Operational Support Division
Specialist Operations
Air Support Unit**

Remotely Piloted Aircraft Systems (RPAS)

Evaluation Report

12.2.2021

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Purpose

This is a revised evaluation report and supersedes the report submitted to the SPA in November 2020. This revised report will provide detail around the wider operational deployment of RPAS over the evaluation period and provide further clarity with regards to privacy, human rights and other ethical issues. The report will also provide comprehensive detail in relation to Police Scotland (PS) compliance with aviation legislation and mandatory regulations from the Civil Aviation Authority (CAA).

Executive Summary

- Police Scotland have a total of seven RPAS.
- In order to comply with CAA regulations to train all RPAS pilots to a suitable standard prior to their attendance on a National course three DJI Phantom 4 platforms were purchased. These are primarily training machines. Subsequently three operational platforms (M210) were purchased.
- A fourth DJI Phantom 4 was given to Police Scotland by the Crown Office. This machine had been seized as a production and on conclusion of the criminal case was to be destroyed.
- RPAS are located at Aberdeen, Inverness and Glasgow. RPAS have completed a total of 577 hours of flying and include use of different types of drone which will be detailed further in the report.
- Police Scotland has not suffered in-flight failures or losses of RPAS.
- The DJI M210 represents best value in terms of current technology, reliability, suitability and cost. The DJI M210 continues to be used successfully by a significant number of police forces and commercial users across the UK and globally.
- Police Scotland only deploys RPAS for a legitimate policing purpose, where it is considered necessary, appropriate and proportionate to do so. Data Protection Impact Assessment (DPIA) (Appendix A) and Equalities and Human Rights Impact Assessment (EqHRIA) (Appendix B) were completed before RPAS were deployed operationally in May 2019. These are reviewed and updated annually to reflect changes in legislation, policy and technology.
- All Police Scotland RPAS operations are governed by the CAA and are fully compliant with aviation legislation. The CAA has granted Police Scotland a Standard Permission and Operational Authorisation to undertake RPAS activity in support of policing operations in both urban and rural environments.
- RPAS are deployed for missing person searches, however can also be deployed to a variety of policing incidents.

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- Police Scotland are currently developing a Code of Practice for RPAS use.
- Downlink capability has been procured which could enable live footage from RPAS to any Area Control Room or the Police network.

Introduction

Currently 37 of the 48 Police Forces in the UK already use drones and they are considered an essential policing tool at a variety of policing incidents and operations in both rural and urban settings.

RPAS, colloquially referred to as drones, were introduced operationally on 1 May 2019. RPAS are located at Aberdeen and Inverness providing a localised air support capability to the North. A third RPAS based at Glasgow is also deployed operationally and has been integral to the evaluation process.

Evaluation

To provide clarity and reassurance of Police Scotland RPAS operations and compliance with data protection, human rights and aviation legislation, the following have been considered:-

- Best Value
- Privacy
- Human Rights
- CAA Compliance

Best Value

In 2015 , following significant research by the project team at Police Scotland Air Support Unit, a set of key minimum requirements were established in terms of RPAS functionality, operational capability and reliability. These minimum requirements included:-

- ability to carry dual sensor cameras capable of viewing and recording imagery
- ability to deploy in adverse weather conditions, low outside temperatures and strong winds
- ability to perform multiple deployments with mobile battery charging facility to sustain continuous operation
- simplicity of use, speed of deployment and portability
- overall weight including payload not exceeding 20kgs
- minimum flight time of 20 minutes

In 2017, of the systems available at the time, several were considered and discounted as they did not meet the key minimum requirements for Police Scotland nor did they represent best value in terms of cost.

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There was only one system that could be described as “all weather” available at the time, however it cost in excess of £60,000 per unit (bare platform not including cameras, equipment and accessories) and the technical requirements including camera quality and control systems did not meet the needs of Police Scotland.

The small number of systems of this type that are in use in the UK have also suffered from technical issues.

In 2017, a procurement process took place and subsequently Police Scotland purchased three DJI WIND 8 systems. At the material time the DJI WIND 8 was the most advanced, cost effective system available however during acceptance testing it became clear that there were unresolvable issues in terms of connectivity that made this system unsuitable for operational deployment.

As a result, this system was rejected by Police Scotland and the supplier agreed to replace it with a suitable alternative, the newly available DJI M210.

At the time of replacement, the DJI M210 was advertised as being able to fly in the rain with an Ingress Protection (IP) rating of 43. After delivery it became apparent that due to a manufacturing fault, the machine suffered from water ingress and was not as weatherproof as was first advertised.

This resulted in the loss of several police M210 drones in England and Wales. Police Scotland took the decision to cease all operational deployments during wet weather. As a result of this there have been no issues with Police Scotland RPAS, however operations are restricted to dry weather conditions only. Following concerns raised by the National Police Chiefs Council (NPCC), the manufacturer of the M210 DJI, subsequently recalled all M210 including those owned by Police Scotland, and rectified the apparent fault.

The DJI M210 continues to be used successfully by a significant number of police forces and commercial users across the UK and the world. Other than the issues relating to weatherproofing the M210 remains a viable system and has performed well at a large number of incidents.

RPAS technology moves at a significant pace, similar to that of mobile phones and other electronic devices. As it stands, in the view of the ASU team, there are no reliable, cost effective RPAS that will fly in wet weather and meet all the requirements of Police Scotland.

Globally, opinion amongst manufacturers and users suggests that the technology is still in its infancy and progress still needs to be made. Even when a system can fly in the rain, water gathers on the camera lens and the picture quality is degraded to an extent that the images become difficult or impossible to view. Any aircraft, whether it is remotely piloted or has a crew on board is affected by weather in one way or another including rain, fog or snow so these issues are not unique to RPAS. Weatherproofing an RPAS continues to be a challenge for most manufacturers but several are working on this issue and ASU team continue to monitor industry progress.

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The RPAS concept for Police Scotland, amongst many considerations, included an ASU capability in the event that the Police Scotland helicopter could not attend due to inclement weather conditions e.g. low cloud and poor visibility either at the location of the incident or indeed during transit to the incident. Whilst RPAS cannot deploy in wet weather it can fly when there is low cloud and poor visibility.

RPAS can be transported by road to a location and deployed in less favourable weather conditions. The Police Scotland helicopter remains the primary air asset and can deliver all of Police Scotland air support requirements. However, it is the view of Police Scotland that use of RPAS has demonstrated best value in terms of cost savings compared to deploying the Police helicopter. RPAS costs very little to deploy whereas the Police Scotland helicopter costs approximately £2000 per hour.

Privacy

Police Scotland air support and the use of airborne camera systems on board helicopters is not a new development. Fundamentally, RPAS are an ASU capability, albeit new technology in the form of an airborne platform capable of carrying camera sensors.

It is recognised that such new and developing technology may cause public concern by way of the impact on an individual's privacy. Indeed research carried out in 2017 by the UK Home Office identified that the greatest public concern was private individuals or 'hobbyists' using drones. State or law enforcement use was generally supported by the public.

Police Scotland only deploys RPAS for a legitimate policing purpose, where it is considered necessary, proportionate and appropriate to do so. To identify and reduce risks to privacy, Police Scotland developed and completed a Data Privacy Impact Assessment (DPIA) which covers all police RPAS activity. The DPIA helps minimise the risks of harm to individuals through the processing of personal information.

The DPIA was completed before operational deployment of RPAS in May 2019 and is reviewed annually and updated accordingly to reflect changes to legislation, policy or technology.

It is recognised that RPAS is potentially less visible than the Police Scotland helicopter due to its size and noise, and, the public may not be aware that it is being operated by the police. Police Scotland aims to alert the public as much as is reasonably possible when operating RPAS. This includes:-

- use of social media prior to the activity
- local community engagement at private dwellings, land owners and business premises
- distribution of Police Scotland privacy notice leaflet if appropriate
- RPAS officers in Hi-Viz uniform utilising a marked police vehicle
- police signage deployed at the take-off/ landing area warning of RPAS activity

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By law, officers must maintain continuous visual line of sight with the system when in flight. This means that the officers will always be in close proximity to the RPAS. It is not flown from an office to remote location. For example, when deploying to an incident within an urban area, officers will attend there by vehicle, on arrival they will conduct a site survey, ensuring roads/streets are cordoned off and a sterile area created before deploying RPAS. This allows officers to operate RPAS safely and unhindered, while minimising the risk to the public in the vicinity.

These measures aim to increase the visibility of the RPAS activity and inform the public of what we are doing. To date, Police Scotland is not aware of and has not received any concerns from the public regarding use of RPAS.

Any aerial imagery obtained by RPAS, whether that be evidential video footage or still images, for criminal justice proceedings, is passed to the investigating or reporting officer involved with the incident or case. This evidential imagery is retained by that officer in line with Police Scotland records and retention policy and may be shared with the Crown Office and Procurator Fiscal Service (COPFS). Police Scotland ASU does not retain any imagery obtained through RPAS.

Human Rights

Police Scotland developed and completed an EqHRIA. Like the DPIA, this was completed prior to RPAS being deployed operationally in May 2019. This document is also reviewed annually.

In January 2021, Police Scotland referred its use of RPAS to an Independent Ethics Advisory Panel (IEAP) to consider use of RPAS for policing incidents and operations other than missing person investigations.

The IEAP was chaired by Sheriff Alistair Duff and consisted of 12 panel members from a diverse variety of organisations representing academia, industry, public sector, private sectors and 3rd party sector agencies. Notably, several of the panel members are renowned internationally and received recognition for their expertise and contributions to human rights.

In conclusion the panel emphasised the importance of Police Scotland community engagement prior to RPAS deployment with the relevant community or communities likely to be close to, or affected by RPAS deployment, and the continued need to secure public confidence in the decision making framework. The panel also suggested further ways in which Police Scotland could engage with the public and although many of these practices are already in place the full feedback in being considered to ensure all suggestions are considered.

Civil Aviation Authority

All police air operations in the UK are governed by the aviation regulator, the Civil Aviation Authority (CAA). This includes air operations utilising RPAS. During the project phase and prior to operational deployment, Police Scotland engaged early on with the CAA, building on a well-established partnership of nearly 30 years formed through the existing Police helicopter operations.

Complying fully with the Air Navigation Order 2016, Police Scotland has been granted permission by the CAA to operate in both rural and urban areas since 2019. This involves the annual submission of an Operating Safety Case and Operations Manual spanning 188 pages that detail how Police Scotland will operate across Scotland safely and with strict adherence to the CAA regulations.

As a consequence of this work Police Scotland has been granted permission to operate closer to people, buildings, vehicles and vessels than most other organisations.

The legislation governing RPAS operations changed on the 31st of December 2020, and the CAA are still implementing changes to this revised guidance. Currently there are two distinct permissions – one is a ‘Standard Permission’ and the other is a ‘Non-Standard Permission’ or ‘Operational Authorisation’ which is more commonly referred to as ‘exemptions.’ Police Scotland has both these permissions.

The standard permission grants an applicant permission to operate in a congested area and requires the submission of an Operations Manual along with evidence of pilot competency, risk assessments and specific details on how operations will be carried out.

Police Scotland was audited by the CAA in 2019 (See Appendix C), the second only Force in the UK undergo mandated regulatory scrutiny in relation to RPAS operations. Police Scotland was praised for its work in relation to compliance and safety. The CAA UAS Sector Team conducted the audit in August 2019 with the aim of covering all aspects of the operation including;

- Review of the Operations Manual and the procedures outlined within
- A walk through pilot competency and training. (including flight logs)
- A demonstration of records management (including insurance)
- A look at the platforms used and maintenance involved.

The CAA representatives spoke at length with members of the team and as well as the written finding below they made a number of verbal comments. They responded positively to the RPAS operations and welcomed the open and honest dialogue, stating that the team were clearly very keen to meet regulatory requirements. They also were of the opinion that the ASU team were on occasion over-cautious, but given the nature of the operations this was not seen as a negative.

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The CAA made two non-safety related findings;

"It is noted that no training records are kept for each remote pilot. It was agreed that the team should be able to evidence competence. It is recommended that training modules are developed to evidence the competence of all remote pilots. This process is already in progress and has yet to be signed off as part of CPD."

Initial RPAS training is recorded on System to Record Personnel and Establishment and in response to this recommendation and to record all RPAS training an in-house bespoke programme is currently being developed. This process is lengthy as its content must meet the stringent standards of both the CAA and Police Scotland simultaneously. The programme development has also had to respond to changes in both legislation and to CAA guidance on how RPAS courses should be delivered. Due to some restrictions put in place due to the pandemic, the aim is to complete this process during 2021. This will include both initial and CPD training.

"It was found that the service life of a platform was only determined on the 6 month maintenance period with the UAS operational time not being factored in to the platform maintenance schedule. It was agreed that platform overall flight time should be recorded and incorporated maintenance schedule."

The total flight time of each platform is recorded and is available at any time via the operating system. The RPAS are checked before and after every flight according to a clear set of guidelines and are maintained as per the manufacturers guidelines. If anything that impacts flight safety is found the aircraft are immediately grounded until the issue is resolved. The RPAS team at the ASU in Glasgow regularly inspect all the platforms and to date any issues have been resolved by either ASU staff or by the supplier.

Wider Operational Activity

RPAS is considered an enhancement to the ASU. Whilst not capable of undertaking some of the tasking already carried out by the Police Scotland helicopter, RPAS has been deployed at variety of policing incidents and operations, the majority of which were pre-planned. To date they have completed 577 hours of flying across all systems without incident. Utilisation of RPAS *may* include:-

Searches

- Missing persons
- Suspect persons
- Evidence
- Property

Critical Incident Response

- Firearms
- Public Order
- Major Incident

Post Incident Investigation

- Scene overview and situational awareness for emergency services
- Aerial images for safety, analysis, strategy

Crime Scene Analysis Imagery

- Evidential imagery for criminal proceedings
- Road Traffic Collisions
- Serious Crime

Divisional initiatives supporting the local policing plan

- Aerial imagery for event planning
- Public safety
- Officer safety
- Public confidence

It should be noted that RPAS **are not** deployed to undertake covert surveillance. Any tasking of this nature is carefully considered in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), and with the appropriate regulatory authority, will be carried out by other means. Police Scotland considers RPAS not suitable for covert work due to its close proximity to the pilot (a uniformed police officer) and proximity to the area of operation.

As stated by Police Scotland to the SPA in 2017, if a situation arose whereby there was a clear threat to life or threat to national security, then if necessary RPAS may be considered as a covert option. This detail is reflected in the current DPIA and references compliance to RIPSA.

All tasking received for the ASU is reviewed and considered. ASU officers will then determine the most appropriate air asset to deploy, whether that be the Police Scotland helicopter or RPAS, depending on the nature of the incident, the location, weather conditions and competing demands elsewhere in Scotland. Part of that decision making process will include consideration of safety, legality and proportionality. RPAS will only be deployed where necessary in accordance with information and intelligence.

Demand for the ASU remains high and consistent year on year. The Police Scotland helicopter is not always able to reach all parts of the country due to inclement weather or competing operational demands elsewhere.

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Prior to the introduction of RPAS, the ASU would not have been available in these circumstances, crucially reducing the effectiveness of the police response particularly in threat to life incidents.

In addition to the three DJI M210, Police Scotland owns four 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 Police Scotland 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 Police Scotland re RPAS and offered the platform for use.

The different platform type provides additional flexibility and resilience.

Whilst the DJI Phantom was purchased as a 'training' drone, this does not limit its use to solely training. It is still a capable platform and the decision was made to utilise the Phantom for aerial imagery after the issues manifested with the DJI M210 (Water ingress). It cannot however be used for searching as it does not have a thermal image camera. The Phantom provided ASU with additional resilience in the event that Police Scotland could not deploy the M210.

In terms of weather conditions and how this impacts police air operations, the Police helicopter is regulated to fly within strict weather guidelines set by the CAA. During daylight hours if the cloud base is less than 350ft or the horizontal visibility is less than 1 km, then the helicopter cannot legally operate. This is for flight safety. Similarly these limits reduce during darkness with a cloud base not less than 650ft and visibility not less than 5km.

The helicopter is not equipped with a de-icing capability and therefore cannot fly in heavy snow. As snow deposits on the airframe surface or the rotor blades it turns to ice in low temperatures which compromises the helicopters aerodynamic properties.

The majority of helicopter operations are conducted VFR (Visual Flight Rules) which means the crew can always see the ground, hazards and obstacles during flight. The helicopter has the ability to fly IFR (Instrument Flight Rules) which allows it to transit in cloud to reach the operating area as long as the cloud base is high enough or clear at that operating area. It also allows the helicopter to recover to base in the event that the weather deteriorates during the task preventing a VFR transit back. However, if the air temperature in the cloud is freezing or below then IFR is not permitted due to the significant risk of icing.

Based on this, the decision was made to invest in RPAS to provide an air support capability around Scotland. RPAS are not permitted to fly above 400 feet, so if the cloud base is less than 350ft, precluding safe helicopter operations, then RPAS can be deployed. Similarly if the horizontal visibility is less than 1km, RPAS can still be flown as these are operated within line of sight and no further than 500m from the officer. If the Police helicopter is unable to transit to an area due to poor weather which prohibits its operations then RPAS can be deployed also.

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It should also be noted that both helicopter and RPAS operations are impacted by snow and heavy rain as these conditions render the thermal image and camera sensors redundant due to build-up of moisture on the lens obscuring the picture.

All RPAS types used by Police Scotland are covered by both the DPIA, EqHRIA and are all listed in the Police Scotland Operations Manual and Operating Safety Case. The following table provides a breakdown of tasks by RPAS type:

Training by RPAS type 1 May 2019 to 3 Feb 2021

Task	Inverness				Aberdeen				Glasgow			
	M210		Phantom		M210		Phantom		M210		Phantom	
	Q	T	Q	T	Q	T	Q	T	Q	T	Q	T
Training	9	7h 28m	28	25h 25m	35	20h 23m	21	1h 27m	48	41h 48m	32	30h 46m

Q – Number of tasks T – Flying time incurred

All RPAS activity 1 May 2019 to 3 Feb 2021

Task	Inverness				Aberdeen				Glasgow			
	M210		Phantom		M210		Phantom		M210		Phantom	
	Q	T	Q	T	Q	T	Q	T	Q	T	Q	T
Missing Person	18	27h 44m	0	0	23	20h 23m	0	0	18	36h 21m	0	0
Event	1	1h 30m	0	0	0	0	0	0	1	2h	0	0
Major Incident	6	3h 6m	0	0	2	36m	0	0	0	0	0	0
Firearms	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	55m	0	0	5	4h 27m	0	0	9	6h 49m	0	0
Photo-graphic Tasks	20	6h 35m	7	42m	30	9h 55m	4	2h 50m	29	10h 40m	20	9h

Photographic Tasks 1 May 2019 to 3 Feb 2021

Task	Inverness	Aberdeen	Glasgow	
Photographic Tasks	Number	Number	Number	Total
Planning	16	25	15	56
Evidential	11	9	34	54
Total	27	34	49	110

Future Considerations

Code of Practice

Whilst no specific code of practice exists in Scotland for Police use of RPAS, all current Police Scotland RPAS activity is based on the 2013 UK Home Office publication – Surveillance Cameras Code of Practice. This document is widely referred to by Police Forces in England & Wales and outlines guiding principles that are designed to provide a framework for RPAS operators so that there is proportionality and transparency in their use of systems.

Police Scotland is now developing its own Code of Practice which will focus specifically on RPAS operations for Police Scotland. This Code of Practice will be available to the public.

In addition, Police Scotland will seek future engagement with the Police Executive Research Forum based in the United States relative to ongoing research in respect of the use of drones by other law enforcement agencies and their use to advance public safety.

Downlink Capability

Police Scotland has completed a procurement process for the purchase of downlink capability for RPAS. This will enable the RPAS operator to downlink live footage from the camera to an Area Control Room (ACR) to provide real time information and situational awareness for a Police Commander. The equipment will have the additional benefit of providing a downlink relay function for the Police Scotland helicopter which at present utilises a legacy, digital system which is only available in certain parts of Scotland. This new capability will mean footage from the helicopter could be received in any part of Scotland. The current DPIA has been updated to consider and reflect this additional functionality.

Restricted Tasking

Following the presentation of the RPAS Evaluation Report to the SPA Performance Committee on 17 November 2020, concerns were raised in respect of the wider use of RPAS. Police Scotland restricted the deployment of RPAS to responding to missing person reports and other critical deployments, as agreed by a senior officer (e.g. Stonehaven train derailment). The use of RPAS for photographic tasking was also restricted. Therefore the Police Scotland helicopter was used in respect of tasking for aerial imagery which could have been undertaken by RPAS (weather permitting).

Any requests for tasking are approved by the Specialist Operations Superintendent. In terms of out of hour requests for RPAS assistance, this is authorised by the On Call senior officer for Operational Support Division.

Conclusion

The introduction of RPAS has enhanced the Police Scotland ASU capability and increased operational effectiveness. The ability to deploy RPAS to certain tasking reduces the burden on the Police Scotland helicopter, increasing its availability around Scotland for critical incidents. In addition, it presents real financial efficiencies and a more flexible set of parameters for operations and tasking.

The IEAP process was welcomed by Police Scotland and provided invaluable insight with regards to privacy, ethics and human rights.

Police Scotland acknowledges that there may be future privacy and third party concerns surrounding the use of RPAS. In order to understand and mitigate such concerns, we will continue to review the current DPIA and EqHRIA. In addition, we will also seek to widen the scope of engagement to address any such concerns with Local Policing Commanders and key stakeholders such as COSLA. The development of a Code of Practice will further enhance accountability.

RPAS will not replace the Police Scotland helicopter, as they are unable to meet many of Police Scotland ASU requirements – e.g. rapid transport of personnel and vehicle pursuits. However, despite these limitations, they do provide an additional low cost capability that has proven very valuable across a host of operational scenarios.

Recommendations

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- 1. Members are asked to note and discuss the evaluation report and the progress made in respect of the use of RPAS.**
- 2. Members are asked to endorse the resumption of RPAS deployments to include other policing incidents and operations beyond missing person investigations when it is deemed necessary and proportionate and subject to the authority process outlined herein.**
- 3. Members note the development of a Code of Practice**
- 4. Members note the procurement and provision of the downlink capability for RPAS.**

Nicholas Whyte
Inspector
Air Support Unit

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SCOTTISH POLICE
AUTHORITY

Division	Operational Support Division	Department	Air Support Unit
File Path Record			

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](#). A step-by-step guidance on how to complete this form is also available. You can access relevant sections of the [EqHRIA Form Guidance](#) by hovering over headings in this form and following the instructions.

Name of Policy / Practice (include version number)	Air Support Unit National Guidance
Owning Department	Specialist Operations, OSD

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 guidance is to provide an overview of the Police Scotland Air Support Unit (ASU) and the rules which govern police air operations. ASU air assets include one police helicopter and three Remotely Piloted Aircraft Systems (RPAS), colloquially known as drones.

In addition this document provides general guidance on:

- Tasking of the aircraft (both spontaneous and pre-planned);
- Operational capabilities and limitations;
- Deployment to simultaneous competing incidents.

The primary function of the police air support unit is:

- To provide air support to operational officers and specialist departments; and
- To preserve life.

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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?

Specialist Operations Policy
Civil Aviation and Military Aircraft SOP and EqHRIA
Armed Policing Operations SOP and EqHRIA
Public Order SOP and EqHRIA
Data Protection SOP and EqHRIA
Surveillance SOP and EqHRIA
Police Air Operations Manual
RPAS – STORM Guidelines

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 X	Special Constables / Cadets X	SPA / Police Staff X	Communities X	Partnerships X
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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) Note any gaps in evidence and any plans to fill gaps.	4.4 Analysis of Evidence (Summarise how the findings have informed the policy / practice – include justification of assessment of No Impact)
General / Relevance to All	Positive	The Air Support Unit will use all options available for the detection of crime and preservation of life.	The ASU operates in terms of a Police Air Operators Certificate in accordance with the Civil Aviation legislation. The ASU will operate

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			<p>within regulations, permissions and exemptions issued by the CAA.</p> <p>Officers are highly trained in all equipment and detailed risk assessments exist for all ASU equipment.</p> <p>Public safety is a main consideration during deployments.</p> <p>The Police helicopter deploys to a variety of operational policing incidents, whether spontaneous or pre-planned. The majority of deployments are to search for vulnerable/missing persons and provide an appropriate and effective response to critical incidents.</p> <p>'Remotely Piloted Aircraft Systems' (RPAS) has been introduced to assist with some of these types of incidents, in particular missing person searches.</p> <p>Necessary policies and procedures will be followed.</p>
Age	Negative/Low	Potential for negative impact of RPAS on elderly people within the community due to them not being aware of what the machinery is, that it is owned and operated by Police Scotland or who to contact if they are concerned.	<p>Deployment of the RPAS might negatively impact on elderly people in the community due to lack of familiarity with modern technology and perception of intrusion of privacy.</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 deployment.</p> <p>Officers are highly trained in all equipment and</p>

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		Children and the elderly may not be aware of the dangers of ASU equipment or may not understand warnings and advice/direction given.	detailed risk assessments exist for all ASU equipment. Public safety is a main consideration during deployments. Necessary policies and procedures will be followed.
Disability	Negative/Low	<p>Safety issues – there is potential for disabled persons being prevented from being carried in an aircraft due to requirements of safe carriage of persons.</p> <p>No person is to be carried in the Police Scotland helicopter who may be unsuitable due to their state of mind or demeanour which may endanger the aircraft and /or staff. This decision will be made by the air craft staff on a case by case basis with the emphasis clearly on safety.</p> <p>People with certain disabilities or a visual or hearing impairment, may not understand warnings and advice/direction given by ASU officers.</p> <p>People with mental health issues, especially someone who is in a state of distress (missing persons or people who are victims during a major incident) may not be aware of the dangers of ASU equipment or may not understand warnings and advice/direction given</p>	<p>This will impact on protected characteristics however the safety of the aircraft and crew is given priority which is covered through legislation and guidance.</p> <p>Officers are highly trained in all equipment and detailed risk assessments exist for all ASU equipment. Public safety is a main consideration during deployments. Necessary policies and procedures will be followed.</p> <p>Although Police Scotland has 24/7 access to interpreting services – including British Sign Language (BSL) – given the circumstances under which air support is generally provided, it may not be possible to use interpreters. In such cases the safety and security of those involved will always take priority.</p>
Gender Reassignment	No Impact		
Marriage and Civil Partnership	No Impact		
Pregnancy and Maternity	Negative/ Low	Refer to Adoption, Maternity and Paternity SOP. In terms of RPAS operations and equipment, it has been identified that the Electronic Controller Device, used to fly the RPAS, emitted levels of radiation. This radiation, although extremely small levels, could cause	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 ASU operations. The officer will not be permitted

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		harm and increased risk of miscarriage during pregnancy. The levels involved are similar to those emitted from a mobile phone or other electronic device for which pregnancy is a risk factor to low emissions of radiation and similar warnings apply to their use or exposure during pregnancy.	to fly RPAS or be in the close proximity of the pilot during flying operations. Every precaution will be taken to ensure no members of the public are ever exposed or at risk. Potential radiation emissions / exposure will be addressed during initial and refresher training, when ALL officers/staff training as operators will be informed of the low level radiation in order that they can make informed decisions in relation to e.g. when to declare a pregnancy.
Race	Negative/ Low	People for whom English is not a first language may not understand the dangers of ASU equipment or may not understand warnings and advice/direction given.	Officers are highly trained in all equipment and detailed risk assessments exist for all ASU equipment. Public safety is a main consideration during deployments. Necessary policies and procedures will be followed. Although Police Scotland has 24/7 access to interpreting services – including British Sign Language (BSL) – given the circumstances under which air support is generally provided, it may not be possible to use interpreters. In such cases the safety and security of those involved will always take priority
Religion or Belief	No Impact		
Sex	No Impact		
Sexual Orientation	No Impact		

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5. Human Rights Impact Assessment – Consider which rights / freedoms, if any, are likely to be protected or infringed?			
5.1 Rights / Freedoms Relevant to Policing	5.2 Assessment Protects and / or Infringes or Not Applicable	5.3 Analysis What evidence is there as to how the process / practice protects or infringes Human Rights.	5.4 Justification – Summarise the following: <ul style="list-style-type: none"> • Legal Basis • Legitimate Aim • Necessity
Article 2 Right to Life	Protects	<p>The primary function of the Police is to protect life. ASU will be used in a number of policing roles including the search for missing people, Firearms, Pursuits, Major Incidents and Surveillance. The ASU capability allows Police Scotland greater flexibility in protecting the people of Scotland and preserving life.</p> <p>ASU 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 form part of the document suite and these will form the backbone of commercial operations authority from 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.</p> <p>Police Fire & Reform (Scotland) Act 2012, Section (20) Constables: general duties- (1) It is the duty of a constable— (a) to prevent and detect crime, (b) to maintain order, (c) to protect life and property, (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, Section (32) Policing principles: The policing principles are- (a) that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and (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— (i) is accessible to, and engaged with, local communities, and</p>

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			<p>(ii) promotes measures to prevent crime, harm and disorder.</p> <p>Particularly in the case of missing people or major incidents 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 public order and firearms incidents.</p>
Article 3 Prohibition of Torture			
Article 4 Prohibition of Slavery and Forced Labour			
Article 5 Right to Liberty and Security	Protects	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.	As above
Article 6 Right to a Fair Trial			
Article 7 No Punishment without Law			
Article 8 Right to Respect for Private and Family Life	Infringes	The 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	Everyone has the right to respect in relation to: 1. Private Life (no set definition but does not mean absolute right to privacy);

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		<p>recorded.</p> <p>Privacy Impact Assessment will be carried out and all requirements in relation to data security including General Data Protection Regulations (GDPR) will be met.</p> <p>Helicopters will have on board recording systems and will have the ability to live stream real time images and footage.</p> <p>All equipment has the ability to use thermal imaging sensors.</p> <p>The ASU equipment may be used for Surveillance (covert and overt).</p> <p>Considering Article 8 officers must not record beyond what is necessary for policing purposes.</p>	<p>2. Family Life;</p> <p>3. Home;</p> <p>4. Correspondence.</p> <p>Policies and decisions which interfere with Article 8 rights are allowed only if they are prescribed by law and the aim of the policy or decision is necessary in a democratic society in the interests of one or more of the following:</p> <ul style="list-style-type: none">• national security;• public safety, including protection of health;• the prevention of disorder or crime; and / or• the protection of the rights and freedoms of others. <p>Where interference with Article 2 is unavoidable, Police Scotland will try to interfere as little as possible and make sure that any interference is necessary and proportionate.</p> <p>If it is necessary to interfere with someone's private or family life, it will be done as prescribed by law.</p> <p>The RPAS will be deployed in a manner that is proportionate and justifiable and always where there is a legitimate aim.</p> <p>Data will only be recorded where absolutely necessary and it will be stored or deleted in strict accordance with data protection guidelines.</p> <p>Any covert work will meet with the strict criteria laid down in the RIPSAs legislation.</p>
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<p>Article 9 Freedom of Thought, Conscience and Religion</p>	<p>Protects and Infringes</p>	<p>ASU equipment may be deployed at major incidents and events where people are expressing their religious beliefs. The potential for people to be recorded at these times may deter them from doing so and may make them less likely to do so.</p>	<p>Everyone has the right to freedom of Thought, Conscience and Religion. This includes the right to:</p> <ol style="list-style-type: none"> 1. change religion or beliefs and the right to worship; 2. teach, practice and observe religion or beliefs either in public or in private (called freedom to manifest in the text of the Article). <p>Policies and decisions which interfere with Article 9 rights are allowed where they are prescribed by law and the aim of the policy or decision is necessary in a democratic society in the interests of one or more of the following:</p> <ul style="list-style-type: none"> • Public safety; • The protection of public order; and / or • The protection of the rights and freedoms of others. <p>ASU equipment will be deployed in a manner that is proportionate and justifiable and always where there is a legitimate aim. Public safety is a main consideration during deployments.</p>
<p>Article 10 Freedom of Expression</p>	<p>Protects and Infringes</p>	<p>ASU equipment may be deployed at major incidents and events where people are expressing their religious beliefs. The potential for people to be recorded at these times may deter them from doing so and may make them less likely to do so.</p>	<p>Everyone has the right to freedom of expression. This includes:</p> <ol style="list-style-type: none"> 1. Freedom to hold opinions; 2. Freedom to receive and impart information and ideas. <p>However, Policies and decisions which interfere with Article 10 rights are allowed where they are</p>

			<p>prescribed by law and the aim of the policy or decision is necessary in a democratic society in the interests of one or more of the following:</p> <ul style="list-style-type: none">• National Security, Territorial Integrity, Public Safety;• Prevention of Disorder or Crime;• Protection of Health and Morals;• Protection of the reputations or rights of others;• Prevention of the disclosure of information received in confidence; and / or• Maintenance of the authority and impartiality of the judiciary. <p>During the use of any ASU equipment where it is unavoidable, any interference will be as little as possible, necessary and proportionate.</p> <p>If it is decided that it is necessary to interfere with someone's freedom of expression, then it will be lawful and be for one of the allowed reasons.</p> <p>Police Scotland will ensure that evidence of the rationale for decision-making is clear, understandable and available for audit. And Police Scotland will take action to secure Article 10 rights when they are lawful, as well as refrain from interfering with them.</p>
Article 11 Freedom of Assembly and Association	Protects	The RPAS could be deployed to assemblies, parades or demonstrations to provide real-time imagery in support of any policing operation.	The RPAS will be deployed where it is necessary and proportionate and in support of a legitimate aim, for example to aid public safety,

			<p>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 RPAS. The police are duty bound to facilitate peaceful assembly and the deployment of these systems will aid in that endeavour.</p>
<p>Article 14 Prohibition of Discrimination</p>	<p>Protects</p>	<p>The primary function of the police air support unit is:</p> <ul style="list-style-type: none"> • To provide air support to operational officers and specialist departments; and • To preserve life. <p>The specific purposes for which the ASU equipment will be deployed, is unlikely to result in unlawful discrimination as defined under Article 14. Decisions will always be made with safety and security as the prime objective and not on any other grounds.</p>	<p>Everyone is entitled to enjoy their Convention rights without discrimination on any ground, such as:</p> <ul style="list-style-type: none"> • Sex, • National or social origin, Race, Colour, Religion, • Association with a national minority, • Property, • Language, • Birth, • Other Status, • Political or other opinion. <p>Article 14 only prohibits discrimination in relation to Convention rights. This means that Article 14 must be attached to another Convention right before a claim of discrimination will be heard.</p>
<p>Protocol 1, Article 1 Protection of Property</p>	<p>Protects</p>	<p>Footage obtained during deployments may record property which has been damaged or stolen or recovered property. This footage will be helpful in showing the extent of damage in court proceedings or could potentially help victims in any insurance claims that they may make.</p>	<p>Every natural or legal person is entitled to the peaceful enjoyment of their possessions. This article relates to individuals and businesses.</p> <p>However, a state can deprive someone of their property as long as it is in the public interest and</p>

			<p>subject to conditions provided for by law.</p> <p>A state can enforce laws which control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.</p> <p>Police Scotland will take cognisance of following:</p> <ul style="list-style-type: none">• The need to ensure that there is no interference with the right to peaceful enjoyment of possessions;• Where this is unavoidable, any interference will be as little as possible, necessary and proportionate;• If it is decided that it is necessary to interfere with someone's possessions, then it will be lawful;• Police Scotland will ensure that the rationale for decision-making is clear, understandable and available for audit; and <p>Police Scotland will take action to secure The First Protocol, Article 1 rights when they are lawful, as well as refrain from interfering with them.</p> <p>Officers must not record beyond what is necessary for policing purposes.</p> <p>Recordings will be lodged as Productions for court cases.</p>
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6. Decision – Decide how you will proceed in light of what your analysis shows (Place ‘X’ in appropriate box)	
6.1 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.	<input type="checkbox"/>
6.2 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.	<input checked="" type="checkbox"/>
6.3 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.	<input type="checkbox"/>
6.4 Proceed without adjustments as no potential for unlawful discrimination / adverse impact on equality duty or interference with human rights has been identified.	<input type="checkbox"/>

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.
The owning department will monitor changes in legislation/circumstances which may affect the document and assess how these changes may impact on protected groups.
The owning department will be responsible for the review of the document and the EqHRIA.

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
Impact on Police Officers required to operate RPAS	Relevant training courses provided. Police Air Operations Manual created and regularly reviewed and updated.	PI Whyte/ ASU	March 2018	Complete

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Ensuring the public are informed	<p>Communications strategy was developed to support the introduction of new technology – RPAS. This included a high profile media launch.</p> <p>Continued use of social media platforms such as Police Twitter and Facebook accounts to inform members of the public of helicopter and RPAS deployments.</p> <p>Air Support Unit has its own Twitter page, @polscotair</p>	Carla Callaghan, Corporate Communications	April 2019	<p>https://www.scotland.police.uk/whats-happening/news/2018/december/missing-person-liam-smith-air-support-footage-released</p> <p>https://www.scotland.police.uk/whats-happening/featured-articles/aditl-police-scotland-air-support-unit</p> <p>https://www.scotland.police.uk/whats-happening/featured-articles/air-support-unit-qa</p> <p>https://www.scotland.police.uk/whats-happening/news/2019/april/two-remotely-piloted-aircraft-systems-unveiled</p> <p>Complete</p>
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9. Management Log			
9.1 EqHRIA Author Log			
Name and Designation	Nicholas Whyte, Inspector	Date (DD/MM/YY)	27/06/2019
Comments			
Name and Designation		Date (DD/MM/YY)	
Comments			
Name and Designation		Date (DD/MM/YY)	

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Comments	
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9.2 Quality Assurance Log					
Name and Designation	Samantha Anderson, Policy and Scrutiny Manager	Date	29/07/2020	Document Version	Air Support Unit Guidance document V0.06 Draft
Comments	27/06/2019 - Previously recorded on an EIA therefore this should be treated as a new assessment and as such amendments are not marked in yellow. Assessment complete. 25/02/2020 – Request for H&S to review the EqHRIA regarding the considerations around pregnant officers – “I’m happy with the comments on the EqHIRA which will be added to, to the effect that this issue will be addressed during training, when ALL officers/staff training as operators will be informed of the low level radiation in order that they can make informed decisions in relation to e.g. when to declare a pregnancy”				
Name and Designation	Nasreen Mohammed, Equality and Diversity Adviser, Safer Communities	Date	03/07/2019	Document Version	Version Date:27062019
Comments	My comments and suggestions – all intended to be constructive and helpful - are tracked within the document, for consideration. I am happy to elaborate and clarify if required.				

9.3 Divisional Commander / Head of Department Log			
Name and Designation	Carol McGuire	Date (DD/MM/YY)	3/10/19
Comments	EqHRIA updated re RPAS electromagnetic radiation and pregnancy. Approved.		
Name and Designation	Craig Smith – Superintendent OSD Specialist Operations	Date (DD/MM/YY)	20/08/20
Comments	Updated to include RPAS - approved		
Name and Designation		Date (DD/MM/YY)	
Comments			

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9.4 Publication of EqHRIA Results Log				
Name and Designation		Date Published		Location of Publication
Comments				
Name and Designation		Date Published		Location of Publication
Comments				
Name and Designation		Date Published		Location of Publication
Comments				

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Oversight Report

Report Date:
04 September 2019



Details

Audit Reference Number	Organisation Name
AUD3798	Police Scotland
Lead Auditor	Audit Type
Natasha Hiddleston	UAS\UAS Sector\Standard Operator\Continued oversight\On Site

Dates

Start Date	End Date	Closed Date
21/08/2019	21/08/2019	

Overview

The audit team arrived on-site and were welcomed by the Accountable Manager, Nicholas Whyte. An opening meeting was conducted with PC Stuart Neilson and PC Steven Preece present. Operations were discussed and the structure of all the teams in place throughout Scotland.

The audit checklist was complete during this time. Tom Guest took the lead auditing platforms and relevant questions within the checklist, with PC Steven Preece (Technical Manager). One finding was raised and discussed.

The records management section of the audit was carried out with Natasha Hiddleston and PC Stuart Neilson (Chief Pilot) previous examples of risk assessments and operations that have taken place. One finding relating to pilot training records was raised and discussed.

It is clear that the team in place have significant experience and are keen to meet regulatory requirements. The following findings were raised and it is expected that a response on these findings be received by 30th September 2019.

The audit team would like to thank Police Scotland for their hospitality and for their open and honest approach to the audit.

CAA Audit Team

Natasha Hiddleston

Auditees

Nicholas Whyte

Findings

Number	INC2702	Requirement		
Details				
It is noted that no training records are kept for each remote pilot. It was agreed that as the team should be able to evidence competence.				
It is recommended that training modules are developed to evidence the competence of all remote pilots. This process is already in progress and has yet to be signed off as part of CPD.				
Level	Status	Target Date	Closure Date	Raised By
2	Open	25/09/2019		Natasha Hiddleston

Findings

Number	INC2703	Requirement	
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Details
It was found that the service life of a platform was only determined on the 6 month maintenance period with the UAS operational time not being factored in to the platform maintenance schedule.
It was agreed that platform overall flight time should be recorded and incorporated maintenance schedule.

Level	Status	Target Date	Closure Date	Raised By
3	Open	24/12/2019		Tom Guest

Report issue

Issued to	Original Report Issue Date
Nicholas Whyte	04/09/2019

Data Protection Impact Assessment: Remotely Piloted Aircraft Systems



Law Enforcement Processing only

Control Sheet

(Please note this form is unprotected to allow processing by Information Management. To manually check the boxes **right click** on the tick box choose properties from the drop down and select 'check')

URN (to be complete by Information Assurance)	20-189 (Annual Review)
Date Approved	12/03/2020
Version Number	1.4
Document Status	Approved
Author	[REDACTED]
Strategic Information Asset Owner	[REDACTED]
Transformation Project	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this project a pilot?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Date on which the proposed processing is to start (if known)	01/02/2020

Revision History

Version	Date	Summary of Changes
0.1	03.8.18	Initial Draft DPIA Pt 1 Law enforcement
0.2	15.08.18	Initial draft amendments/ clarification
0.3	16.08.18	IA updates 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	01.12.19	V1.0 created following final IA review
1.1	08.01.20	Annual review of IA and transfer to new template
1.2	31.01.20	Created to reflect changes by IA
1.3	02.03.20	Update by author following IA feedback
1.4	12.03.20	Updates by IA

Consultation History

Version	Date	Name	Designation
			Information Asset Owner
			Project Board Chair etc.

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.

The guidance notes must be read before answering the questions.

Once completed, this part must be submitted to Information Assurance (IA) to decide whether the proposed processing is high risk. (Refer to the definition of law enforcement purposes in Appendix 1 of the Guidance Notes.)

Part 1 Section 1 - General

1.1.1 Does the project involve the processing of personal data? (Refer to the definition of personal data in Appendix 1 of the Guidance Notes).

Yes

Click here to enter text

1.1.2 Who is the Lead/Manager/Senior Responsible Owner for the project?

Name:

██████████

Designation:

Inspector, Air Support Unit

Contact details:

1.1.3 State who has responsibilities for the personal data. (Refer to Note 1 of the Part 1 Guidance Notes).

Strategic Information Asset Owner

Name:

██████████

Designation:

ACC Operations

Contact details:

Tactical Asset Owner

Name:

██████████

Designation:

Superintendent, Head of Specialist Services, OSD

Contact details:

1.1.4 Provide a summary of the project. (This must be done in accordance with Guidance Note 2 of the Part 1 Guidance Notes)

To enhance the current police air support capability, two Remotely Piloted Aircraft Systems (RPAS) (known also as Unmanned Aerial Systems) are now operationally available at Aberdeen and Inverness. A third RPAS will be retained at Glasgow for training, research and development and operational deployments. 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.

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).

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.

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.

RPAS is fitted with a dual sensor camera system which includes daytime video (EO) 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. [REDACTED]

Essentially the RPAS is 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 is recorded or retained.

[REDACTED] 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.

RPAS have the ability to downlink and stream live video feed from the camera sensor via the camera operators control unit. [REDACTED]

[REDACTED] This is then distributed to a limited number of, password protected, viewing clients within the Police Scotland network.

Air Support Unit has deployed RPAS to 50 operational incidents around Scotland since May 2019. The majority of these deployments have been in support of missing person searches, but also includes crime scene aerial imagery/ searches during murder investigations, aerial imagery for fatal fires, and serious RTCs.

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.

Part 1 Section 2 – The purpose of the processing

1.2.1 What is the reason you want to process the data? If in Q1.1.4 you have covered in full the reason you want to process the data, then please copy and paste the relevant sections here.

To record and retain aerial imagery for the investigation, detection and prosecution of criminal offences.

e.g (1) Search for a vulnerable missing person in a large open area - body found and images obtained for investigation/ inquiry.

e.g. (2) Large scale disorder outside football stadium involving 100s of people. Imagery used to identify those involved and subsequent criminal proceedings.

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.

e.g. (4) Aerial images obtained of the scene of a serious/ fatal RTC to assist in the collision investigation and subsequent criminal proceedings.

e.g. (5) Imagery obtained to assist with operational planning

1.2.2 What is the intended outcome for the individuals whose data you propose to process?

To be identified for the purposes of prosecution or assistance in the safeguarding of vulnerable persons.

1.2.3 What are the expected benefits for Police Scotland?

Aerial imagery recorded and retained to assist in the investigation, detection and prosecution of criminal offences.

1.2.4 What are the expected benefits for society as a whole?

Identification and prosecution of offenders and deployment of relevant and necessary Police resources. This in turn will likely lead to a reduction in police time and significant resources investigating these incidents.

Part 1 Section 3 – Nature of processing

1.3.1 Has the Information Security (ISM) Manager been consulted: This should be done at the outset of any project – iso@scotland.pnn.police.uk

Yes

No – if not, this must be done immediately.

Not applicable – state below why there is no requirement to consult the ISM.

Click here to enter text

1.3.2 Have the asset owners of any related systems been consulted?(e.g. IT, paper, video etc.)

Yes – If so, provide details.

No – state below at what stage you intend to consult.

ICT aware of DPIA.

1.3.3 What will the classification of the data be under the Government Security Classification (GSC)? (GSC SOP)

Official or

Official Sensitive (NB Official Sensitive **must** be accompanied by handling instructions)

Named Recipients Only

Police and Partners

Police Only

1.3.4 Will any processing be done via an internet/cloud based system?

Yes – Provide the details below.

No

1.3.5 Will Police Scotland be processing the personal data jointly with another organisation? (Refer to the definition of controller in Appendix 1 of the Guidance Notes) If so, documentation will be required to regulate the relationship.

Yes – provide details of the other organisation, their Data Protection Officer (DPO) and the exact role of the other organisation in the processing of the data.

No

Click here to enter text

1.3.6 Will another organisation be processing any of the personal/sensitive data on behalf of Police Scotland? (Refer to the definition of processor on page 6 of the Guidance Notes). If so, a contract will be required to regulate the relationship.

Yes – provide details of the other organisation, their Data Protection Officer (DPO) and the exact role of the other organisation in the processing of the data.

No

Click here to enter text

1.3.7 Will the processing involve new technology? i.e. technology that is new to Police Scotland.

Yes – If so, give brief overview of it below. If this has been included in the summary of the project, please copy and paste the relevant sections below.

No

1.3.8 Will the processing be done in any novel or unexpected ways? e.g. machine learning or artificial intelligence.

Yes – If so, give brief overview of it below. If this has been included in the summary of the project, please copy and paste the relevant sections below.

No

Police Scotland has collaborated with University of West of Scotland to design and develop a software package which utilises artificial intelligence (AI) and assist the RPAS camera sensor to identify a human form during area searches for missing persons. This AI technology will be installed on a mobile phone device connected to the RPAS controller. The software has been developed through machine learning. This does not alter the way in which the data is recorded or processed. It is an effective and efficient tool reducing the cognitive burden of the camera operator during interrogation of live imagery. Please see link for more details:

<https://www.bbc.co.uk/news/uk-scotland-50262650>

Part 1 Section 4 – Scope of the processing – What the processing covers

1.4.1 What categories of data subject are involved? (Please select all applicable)

Victims

Witnesses

Suspect

Accused

Person convicted on an offence

Children or vulnerable individuals – provide details below

Other – provide details below

Air support search for missing or vulnerable persons.

1.4.2 What is the source of the personal data? (Please select all applicable)

- Victims
- Witnesses
- Suspect
- Accused
- Person convicted on an offence
- Children or vulnerable individuals – provide details below
- Other (e.g. data already held in other Police Scotland systems, partner agencies etc.)
 - provide details below

Data may be processed via camera sensor during the search for missing or vulnerable persons.

1.4.3 List all categories of personal data to be processed. This should also include the types of information if appropriate, e.g. videos, pictures, audio files. (Refer to the definition of personal data in Appendix 1 of Guidance Notes)

Videos, still photographs.

1.4.4 Does this project involve processing sensitive data? If so, tick all categories of sensitive data to be processed.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Race | <input checked="" type="checkbox"/> Trade Union membership |
| <input checked="" type="checkbox"/> Ethnic origin | <input type="checkbox"/> Genetic data |
| <input checked="" type="checkbox"/> Political opinions | <input type="checkbox"/> Biometric data |
| <input checked="" type="checkbox"/> Sex Life | <input checked="" type="checkbox"/> Sexual orientation |
| <input checked="" type="checkbox"/> Religion | <input checked="" type="checkbox"/> Health |
| <input checked="" type="checkbox"/> Philosophical beliefs | <input type="checkbox"/> Criminal conviction data |
| | <input type="checkbox"/> None |

1.4.5 Will the personal/special category/criminal conviction data be shared with anyone?

- Yes – provide details below
- No

Whilst the intention is to capture footage/images of those committing crime or assisting in the investigation of vulnerable persons, it is recognised that by the nature of filming, other information may be captured inadvertently such as protests from any of the above categories. This footage may be shared with other law enforcement partners such as the crown office for prosecution. Terrain imagery that is not linked to personal information may be shared with the University of West of Scotland during collaboration of development of sensor technology

1.4.6 Does the proposed processing involve the collection of data not previously collected by Police Scotland?

Yes – provide details below

No

Click here to enter text

1.4.7 Will the personal/sensitive data be fully identifiable, pseudonymised or anonymised? (Refer to Guidance Note 3 of the Part 1 Guidance Notes)

Fully identifiable

Pseudonymised – provide details of how this will be done, and at what stage in the process

Anonymised – provide details of how this will be done, and at what stage in the process

Click here to enter text

1.4.8 Does the proposed processing involve any alignment or combining of data sets?

Yes – provide details below

No

Click here to enter text

1.4.9 How many individuals will be affected by the proposed processing, or what is the percentage of the population affected?

This is difficult to say and will depend on the specific task that the helicopter or 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.

1.4.10 What is the geographical area involved? e.g. one division, a number of divisions, whole of Scotland. If this is not to cover the whole of Scotland, name the divisions/areas involved.

The whole of Scotland

Part 1 Section 5 – Context of the processing – The wider picture including internal and external factors which might affect expectations or impact

1.5.1 Are there prior concerns internally over this type of proposed processing, or known security flaws?

- Yes – provide details below. This must be addressed in the risk assessment
 No

Click here to enter text

1.5.2 Describe any relevant advances in technology or security

Police Scotland has collaborated with University of West of Scotland to design and develop a software package which utilises artificial intelligence (AI) and assist the RPAS camera sensor to identify a human form during area searches for missing persons. This AI technology will be installed on a mobile phone device connected to the RPAS controller. The software has been developed through machine learning. This does not alter the way in which the data is recorded or processed. It is an effective and efficient tool reducing the cognitive burden of the camera operator during interrogation of live imagery.

1.5.3 Are there any current issues of public concern in the area of the proposed processing? If so, provide details.

- Yes – provide details below. This must be addressed in the risk assessment.
 No

Click here to enter text

1.5.4 What relevant codes of practice have been considered and complied with? (Refer to Guidance Note 4 of the Part 1 Guidance Notes)

Air Navigation Order 2016, CAA Publication CAP 722

This form should now be sent to the Information.Assurance@scotland.pnn.police.uk .

It will be returned to you within 5 working days with a decision as to whether the proposed processing is high risk.

Once you receive the response you should then complete Part 2 of this DPIA (which will be sent to you from Information Assurance (IA) with the response to Part 1) and send it to Information.Assurance@scotland.pnn.police.uk

Law Enforcement DPIA Part 2– Assessment of legality, governance and risks

Name of Project: Remotely Piloted Aircraft Systems

URN Click here to enter text

The guidance notes must read before answering the questions. Once completed, this part must be submitted to Information.Assurance@scotland.pnn.police.uk to assess and agree sign off of this DPIA.

Part 2 Section 1 – Assessment of Necessity and Proportionality – The Data Protection Principles and other relevant sections of the Data Protection Act 2018 (DPA 2018)

1st Principle – Lawful and fair. DPA Section 35 and Schedule 8

2.1.1 Is the processing based on consent? If so, further action will be required to comply with the legislation regarding consent.

Yes – explain below why consent is necessary for the purposes of the proposed law enforcement processing

No

No. Processing (imagery) is not based on consent and is strictly necessary for law enforcement purposes.

The imagery obtained will be best evidence in support of criminal justice proceedings.

The processing is necessary under the Police Fire & Reform (Scotland) Act 2012 –

Section (20) Constables: general duties-

(1) It is the duty of a constable—

(a) to prevent and detect crime,

(b) to maintain order,

(c) to protect life and property,

(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,

Section (32) Policing principles: The policing principles are-

(a) that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and

(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—

(i) is accessible to, and engaged with, local communities, and

(ii) promotes measures to prevent crime, harm and disorder.

2.1.2 Does the processing involve the processing of sensitive data? Tick all that applies (See your response to Q1.4.4 in Part 1 of this DPIA)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Race | <input checked="" type="checkbox"/> Trade Union membership |
| <input checked="" type="checkbox"/> Ethnic origin | <input type="checkbox"/> Genetic data |
| <input checked="" type="checkbox"/> Political opinions | <input type="checkbox"/> Biometric data |
| <input checked="" type="checkbox"/> Sex Life | <input checked="" type="checkbox"/> Sexual orientation |
| <input checked="" type="checkbox"/> Religion | <input checked="" type="checkbox"/> Health |
| <input checked="" type="checkbox"/> Philosophical beliefs | <input type="checkbox"/> None – go to question 2.1.4 below |

2.1.3 To process sensitive data for a law enforcement purpose at least one of the following (or another Schedule 8 condition not listed below) must be satisfied. The Schedule 8 conditions must be read in full before completing this question. Check all that apply and provide further details below as to why each applies. [Schedule 8 of DPA 2018](#) (Refer to Guidance Note 1 of the Part 2 Guidance Notes)

- The individual has given consent to the processing
- The processing:
- is necessary for the exercise of a function conferred on a person by an enactment or rule of law **and** is necessary for reasons of substantial public interest
- is for the administration of justice
- is necessary to protect the vital interests of an individual
- is necessary for the safeguarding of children and of individuals at risk
- relates to personal data manifestly made public by the data subject
- Other Schedule 8 condition – Provide details below

1(a) is necessary for the exercise of a function conferred on a person by an enactment or rule of law

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.

2nd Principle – Specified, Explicit and Legitimate – DPA Section 36

2.1.4 Is the personal data to be used for the purpose for which it was first gathered?

- Yes
- No – State below the purpose for which it was gathered, and the new purpose

Click here to enter text

3rd Principle – Adequate, Relevant and Not excessive – DPA Section 37

2.1.5 What assessment has been made to ensure that the personal data being processed is adequate, relevant and not excessive in relation to what is necessary for the purpose for which they are gathered?

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. If the imagery requested is for evidential purpose e.g. criminal justice proceedings then it is best evidence and relevant. If it is obtained for intelligence purposes then a full assessment will be made along with rules and guidance under RIPSAs 2000, where applicable.

4th Principle – Accurate and kept up to date where necessary – DPA Section 38

2.1.6 How will the accuracy of data be checked?

N/A - the data being processed is imagery (still or video) and there are no accuracy issues.

2.1.7 What process will be in place to keep it up to date where necessary?

N/A.

2.1.8 There must be a functionality or procedure to distinguish between fact and opinion. How will you ensure that this is done? If this cannot be done, please explain why.

N/A.

2.1.9 How will you ensure that there will be a clear distinction between personal data relating to different categories of data subjects? e.g. victims, witnesses, accused etc. If this cannot be done, please explain why.

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.

2.1.10 What steps will be taken to ensure that personal data which is inaccurate, incomplete or no longer up to date is not transmitted or made available for any of the law enforcement purposes? [DPA Section 38\(4\) and \(5\) refers](#)

Section 38(4) & (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.

On the occasions that data is recorded, it is reviewed by Air Support Unit supervisors before transmission to an SIO or requesting officer.

5th Principle – Not kept longer than necessary – DPA Section 39

2.1.11 How long will the personal data be retained?

No imagery is retained by the ASU other than images recorded for research and development work with University of West of Scotland. This imagery contains personal data of police officers who have consented to the filming.

2.1.12 Is the personal data covered by the existing Police Scotland Record Retention SOP?

Yes – Quote the relevant section of the SOP below

No – The records manager must be consulted to determine the relevant retention period and the SOP and this DPIA updated.

Section 14, Operational Support Services 1.1 - Air Support

Incidents requiring Helicopter Assistance – As per crime list

Accidents Involving Helicopter – Archive

Record of Flying Hours – Current year + 1

References to the Helicopter in the Record Retention SOP can also be read as RPAS but this should be updated when the Record Retention SOP is next updated.

2.1.13 The system must be able to weed and delete a) individual records and b) bulk records. How will you ensure that this can be done? e.g. manual intervention, automatic deletion etc.

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.

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.

2.1.14 If the data is to be retained after the retention period, e.g. for statistical purposes, how will it be anonymised?

There is no requirement to keep data beyond the retention period.

2.1.15 What processes will be in place to ensure the data is securely destroyed/deleted?

Data will be deleted immediately from the SD card once it has been transferred to CD. This will be a standard post flight check.

6th Principle – Security/Security of processing – DPA Sections 40 and 66 – Technical or organisational measures in place to ensure protection of the personal data against unauthorised or unlawful processing and against accidental loss, destruction or damage and Obligations relating to security, respectively.

2.1.16 If in Part 1 you stated that you had not consulted with the Information Security Manager (ISM) has this now been done:

- Yes – and advice received
- No – explain below why this has not yet been done
- Not applicable

Click here to enter text

2.1.17 On which risk register will the information be recorded? If it is already on a risk register, please state which.

N/A.

2.1.18 What processes will be in place to determine who will have access to the data/system?

Only ASU personnel will have access to the data [REDACTED]. Imagery captured via sensor is then transferred to CD and forwarded to client or deleted.

2.1.19 How will access to the system be granted and removed?

Access granted as per post/ role permissions.

2.1.20 What level of security clearance (i.e. vetting level) will be required to access the system? [Vetting SOP](#). Advice regarding this can be also obtained from the ISM/Vetting Unit.

Recruitment Vetting

2.1.21 What data protection/security training will users, processors, external contractors etc. receive, before gaining access to the system?

Relevant online training will be available for Police Scotland officers and staff via the Moodle application on Data Protection / GDPR and they are required to undergo annual refresher training.

2.1.22 Confirm you will you have a SyOps/procedure manual/SOP etc. to detail the above?

- Yes – state below which of the above.
- No – state below, why not.

Click here to enter text

2.1.23 What technical controls will be put in place to protect data at rest, from

compromise? Check all that apply.

Encryption

Role Based Access Control

2.1.24 How will information be protected in transit?

Secure email

Encryption

Egress

Other – Provide details below

Transferred by Police officers from SD card to CD

2.1.25 Explain how loss of data at rest, will be prevented in case of a business continuity incident/disaster recovery. e.g. Business Continuity Plans, backups and frequency, resilience, parallel systems etc.

Data not retained by ASU.

Part 2 Section 2 – Information Sharing

2.2.1 Is any of the data being processed to be shared with third parties? i.e. outwith Police Scotland

Yes – state below which 3rd parties.

No – go to question 2.3.1.

Data which does not contain personal information, terrain imagery, may be shared with University of West of Scotland during collaboration of development of sensor technology.

2.2.2 If the information is to be shared with third parties, are there Information Sharing Agreements (ISAs) already in place with these third parties?

Yes – agreement(s) in place – Give details below

Not yet – agreement(s) required

No – none required. If not required, state the reason.

Letter of agreement signed by Supt, Head of Specialist Operations

Part 2 Section 3 – Measures contributing to the rights of the data subjects

Subject Access Requests (SARs) – DPA Section 45

2.3.1 How will you ensure that the personal data will be available to Information Management for the processing of SARs?

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.

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: dataprotectionsubjectaccess@scotland.pnn.police.uk

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.

Data capture will be cross referenced on the ASU flight logging system to assist with subject access requests.

Right to rectification, erasure and restriction – DPA Section 46, 47, and 48

2.3.2 How will you ensure that the personal data can be corrected, deleted or the processing restricted if required, in response to an individual's rights request?

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.

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.

Part 2 Section 4 – Other legal requirements

Auditable Logging – DPA Section 62

2.4.1 The system must create an auditable record (or log) each time a user does any of the following to the personal data. Please confirm or otherwise that the proposed system will do this. This is a legal requirement. If these requirements cannot be met before the system goes live, the system will not be accredited.

a) Collection – the log must record

- what data was collected/input
- the identity of the individual who updated the system with the data
- the date and time the system was updated

Yes – the system will record an auditable record of all of the above

No – Explain which of the above requirements will not be met, the reason and the mitigations. **A detailed proposal of how this will be done must be included in the risk assessment at the end of the DPIA.**

Click here to enter text

b) Alteration – the log must record:

- the data that was altered
- the identity of the individual who altered the data
- the date and time the data was altered

Yes – the system will record an auditable record of all of the above

No – Explain which of the above requirements will not be met, the reason and the

mitigations. **A detailed proposal of how this will be done must be included in the risk assessment at the end of this DPIA.**

Click here to enter text

c) Consultation (accessing/viewing) – the log must record

- what data was consulted
- the reason for the consultation
- the identity of the person who consulted it
- the date and time of the consultation

Yes – the system will record an auditable record of all of the above

No – Explain which of the above requirements will not be met, the reason and the mitigations. **A detailed proposal of how this will be done must be included in the risk assessment at the end of this DPIA.**

Click here to enter text

d) Disclosure (including transfers) – the log must record:

- the information that was disclosed
- the reason for the disclosure
- the date and time of the disclosure
- the identity of the person who made the disclosure
- the identity of the recipients of the data

Yes – the system will record an auditable record of all of the above

No – Explain which of the above requirements will not be met, the reason and the mitigations. **A detailed proposal of how this will be done must be included in the risk assessment at the end of this DPIA.**

Click here to enter text

e) Combining with other data – the log must record:

- the data which was combined
- the identity of the individual who combined the data
- the date and time of the combination

Yes – the system will record an auditable record of all of the above

No – Explain which of the above requirements will not be met, the reason and the mitigations. **A detailed proposal of how this will be done must be included in the risk assessment at the end of this DPIA.**

Click here to enter text

f) Erasure/weeding – the log must record:

- the fact that a specific record was accessed
- that data was erased/weeded
- the identity of the individual who erased/weeded the record
- the date and time of the erasure/weeding

Yes – the system will record an auditable record of all of the above

No – Explain which of the above requirements will not be met, the reason and the mitigations. **A detailed proposal of how this will be done must be included in the risk assessment at the end of this DPIA.**

Click here to enter text

Data transfers outwith the UK – DPA Sections 72 to 78 (Refer to Guidance Note 2 of the Part 2 Guidance Notes)

2.4.2 Will the data be held in or transferred to a country within the EU but outwith the UK?

Yes – state below which country/countries below

No – go to question 2.4.5

Click here to enter text

2.4.3 For what purpose is the data held in/transferred to the country/countries listed above? Include the legislation which governs the transfer of the data.

Click here to enter text

2.4.4 What processes will be in place to ensure the data is adequately protected? This should include the means used to transfer the data, who will have access etc.

Click here to enter text

2.4.5 Will the data be held in or transferred to a country outwith the UK and the EU?

Yes – state below which country/countries below

No – go to question 2.5.1

Click here to enter text

2.4.6 For what purpose is the data held in/transferred to the country/countries listed above? Include the legislation which governs the transfer of the data.

Click here to enter text

2.4.7 What processes will be in place to ensure the data is adequately protected? This should include the means used to transfer the data, who will have access etc.

Click here to enter text

Part 2 Section 5 – Other privacy legislation

2.5.1. Does the project involve the use of powers within any of the following? Check box as appropriate

RIPA 2000

RIP(S)A 2000

IPA 2016

None of the above

2.5.2 If any of the above apply, provide the relevant sections of the legislation

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.

The new Investigatory Powers Act has been reviewed and will not impact the operational deployment of RPAS.

Human Rights Act 1998

2.5.3 Article 2 – Right to Life

Does the proposed process involve new or existing data processing that adversely impacts on an individual's right to life? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.4 Article 3 – Prohibition of torture

Does the proposed processing involve new or existing data processing that adversely impacts on an individual’s right not to be subjected to torture or inhuman or degrading treatment or punishment? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

No.

2.5.5 Article 4 – Prohibition of slavery and forced labour

Does the proposed processing involve new or existing data processing that adversely impacts on an individual’s right not to be held in slavery or servitude or required to perform forced or compulsory labour. [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.6 Article 5 – Right to liberty and security

Does the proposed processing involve new or existing data processing that adversely impacts on an individual’s right to liberty and security? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.7 Article 6 – Right to a fair trial

Does the proposed processing involve new or existing data processing that adversely impacts on an individual’s right to a fair trial? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.8 Article 7 – Right to no punishment without law

Does the proposed processing involve new or existing data processing that adversely impacts on an individual’s right not to be held guilty of a criminal offence which did not constitute a criminal offence at the time was committed? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.9 Article 8 – Right to respect for private and family life

Does the proposed processing involve new or existing data processing that adversely impacts on an individual's right to respect for his private and family life, his home and his correspondence? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.10 Article 9 – Right to freedom of thought, conscience and religion

Does the proposed processing involve new or existing data processing that adversely impacts on an individual's right to freedom of thought, conscience and religion? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.11 Article 10 – Right to freedom of expression

Does the proposed processing involve new or existing data processing that adversely impacts on an individual's right to freedom of expression? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.12 Article 11 – Right to freedom of assembly and association

Does the proposed processing involve new or existing data processing that adversely impacts on an individual's right to freedom of peaceful assembly and to freedom of association with others? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.13 Article 12 – Right to marry

Does the proposed processing involve new or existing data processing that adversely impacts on an individual's right to marry and found a family? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

2.5.14 Article 14 – Right to freedom of discrimination

Does the proposed processing involve new or existing data processing that adversely impacts on an individual's right to freedom of discrimination on any grounds? [Schedule 1 of the Human Rights Act \(HRA\) 1998](#)

Yes – provide details below

No

Click here to enter text

Consultation process with relevant stakeholders

2.6.1 Do you intend to consult others either internally (e.g. business areas, staff associations, TUs etc. other information experts) or externally on the proposed processing?

Yes

No – If you do not intend to consult anyone, you must **justify** why consultation is not appropriate.

Consultation already conducted in 2019 for initial DPIA.

2.6.2 Who do you propose to consult on the proposed processing? List both internal and external organisations/individuals.

N/A

2.6.3 When do you propose to consult with the above organisations/individuals?

N/A.

2.6.4 How do you intend to consult with the above organisations/individuals?

N/A

Part 2 Section 7 – Assessment and mitigation of risks posed by the proposed processing to the rights and freedoms of data subjects (Refer to Guidance Note 3 of the Part 2 Guidance Notes)

Risk(s) identified to the rights and freedoms of the data subject	Probability and Impact Score and Risk Level	Mitigations	Probability and Impact Score and Risk Level after mitigations	Result: The risk is: <ul style="list-style-type: none"> • Eliminated (E) • Reduced and Acceptable (R/A) • High/Very High and Acceptable (H/A)* • High/Very High and Not Acceptable (H/NA)* 	Evaluation: Is the final impact on individuals after implementing each solution a justified, compliant and proportionate response to the aims of the project?
RPAS being operated within public area near to persons who perceive an intrusion of privacy by the presence of the RPAS.	Likelihood - 4 Impact - 3 12	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 the public at all times regarding use of RPAS.	Likelihood - 4 Impact - 2 8	R/A	
Access of data by unauthorised persons within Police Scotland. Imagery captured by	Likelihood - 1 Impact - 3 3	All imagery captured via the RPAS SD card is removed and either transferred to CD for a	Likelihood - 1 Impact - 1 1	R/A	

<p>RPAS and then viewed by unauthorised staff.</p>		<p>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.</p>			
<p>Collateral intrusion during imagery capture utilising RPAS. Persons not connected with the policing incident visually recorded by RPAS.</p>	<p>Likelihood – 4 Impact – 3 12</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 the public. It will only be accessible by the</p>	<p>Likelihood – 3 Impact – 2 6</p>	<p>R/A</p>	

		reporting officer/ enquiry officer/ SIO/ COPFS if required.			
Access of data from the RPAS if obtained by public	Likelihood - 1 Impact - 3 3	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 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.	Likelihood – 1 Impact – 1 1	E	

		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.			
Use of RPAS without Consent	Likelihood – 1 Impact – 3 3	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: <ul style="list-style-type: none"> • Non-evidential data that is not required for a policing purpose will be 	Likelihood - 1 Impact - 1 1	E	

		<p>deleted after 28 days.</p> <ul style="list-style-type: none">• The data is 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 policing purpose.			

Once Part 2 of the DPIA is complete it must be returned to IA to ensure the legal requirements are met. Once IA are satisfied that all legal requirements have been met, they will sign it and return it to the project.

*If following mitigations, the risk to the rights and freedoms of individuals remains high, processing cannot commence without the agreement of the Information Commissioner.

Approval of DPIA

Information Assurance:

Name:

Signature:

Date:

Comments/Observations

Strategic Information Asset Owner (SIAO): Before signing – See Guidance Note 4 in Part 2 of the Guidance Notes

Name:

Signature:

Date:

Comments/Observations