

WILTSHIRE POLICE



XXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 7th August 2023

Our Ref FOI 2023-739

Dear XXXXX,

I write in connection with your request for information dated 25th July 2023, concerning drone data.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by the Data Forensics Unit at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

Do you have a digital forensics unit?

Do you deal with drone data?

How often do you use data from drones?

Specifically what type of data do you normally use from drones?

What softwares do you use in relation to the extraction and analysis of drone data?

What open-source tools for drone data analysis and extraction do you use?

Our response:

I have considered your request and I am able to provide a partial response to your request. Some of the information relevant to this request is exempt by virtue of Section 31(1) - Law Enforcement.

Section 31 is a qualified prejudice-based exemption and therefore requires Wiltshire Police to establish the harm in disclosure, along with the public interest favouring and against disclosure.

1. Do you have a digital forensics unit?

Yes

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2. Do you deal with drone data?

Yes

3. How often do you use data from drones?

Rarely

4. Specifically what type of data do you normally use from drones?

Image/movie files, flight log data

5. What softwares do you use in relation to the extraction and analysis of drone data?

The software used to extract and analyse drone data is exempt from disclosure. Please see below harm and public interest tests.

6. What open-source tools for drone data analysis and extraction do you use?

We have not used any to date.

Evidence of Harm

A Freedom of Information Act request is not a private transaction. Both the request itself and any information disclosed, are considered suitable for open publication. This is because under the Act, any information disclosed is released into the wider public domain, effectively to the world, not just to an individual.

Whilst not questioning the motives of the applicant, providing any further information relating to specific tools or technologies utilised for drone forensics would reveal our digital forensic capability more broadly, which would be of intelligence value to criminals.

Disclosure of policing tactics and the tools at the police's disposal will mean that those members of the public who are committing crimes and pose a risk to the public, would be able to formulate ways to circumvent the tactics and tools used. If disclosed the tactics will become less effective and will mean that the police are not able to detect and prevent crime, apprehend or prosecute offenders or to administer justice for the wider community.

There is always a duty of care to the general public and the Police Service has a clear responsibility to ensure the prevention or detection of crime, and the apprehension or prosecution of offenders is always delivered. There are a number of tactics available to the Police Service to ensure the effective delivery of operational law enforcement. In this case, such policing activity is required to undertake fair investigations where it may be necessary to progress a range of reasonable lines of enquiry. An example of this maybe where accounts are provided to the police by victims, suspects and witnesses. But by the nature of requirements, a forensic strategy and data extraction may well be required for further evidential purposes.

As such, the disclosure of any further information which would hinder the forces law enforcement functions cannot be in the public interest.

Public Interest Test

Factors favouring disclosure

Where public funds are being spent, there is a public interest in accountability and justifying the use of public money. Disclosure of the requested information would enable the public to assess whether the force has appropriately taken steps to help reduce crime by such means as the use of technological assistance. Release would enhance public debate as to whether or not the force is appropriately and effectively engaging with the threat posed by the criminal fraternity.

Factors against disclosure

Disclosure that reveals our digital forensic capability's would compromise law enforcement tactics. Criminals could use the information to target areas of weakness knowing that their activities are less likely to be detected. It may be used by criminals who are intent on pursuing their criminal activity, to identify and exploit the limitations of these resources.

This is an area of increasing technological changes and as such the use of drone data to assist with investigations or operations is a valuable tool. To release information relating to tools or technologies utilised for drone forensics would have a detrimental effect on our policing capabilities. Therefore, to mitigate any risks, disclosure of this information needs to be protected, to ensure that those with intent to do so cannot manipulate it or undermine its purpose in any way.

Any disclosure of information which would compromise law enforcement tactics and thus lead to more crime being committed by reducing the opportunity for the prevention and detection of crime, would therefore increase the risk to public safety, which is not in the public interest.

Balance test

Law enforcement is of paramount importance and the Police service will not disclose information if to do so, it would undermine its purpose and place the safety of individual(s) at risk. Whilst there is a public interest in the transparency of using public money in policing appropriately and effectively engaging with the threat posed by criminals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of law enforcement, this will only be overridden in exceptional circumstances. The use of digital forensic tools, whether for the extraction of drone data, or any other aspect of policing within the digital environment, is a police tactic that is open to police forces for the purpose of law enforcement and can assist in the prevention and detection of crime. Any disclosure which hinders our capability and assists criminals cannot be in the public interest.

It is for these reasons that I have determined that the balance test favours non-disclosure of the requested information.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 31(1) - Law Enforcement

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

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Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Abigail Standidge

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101



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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>

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