

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 10th November 2023

Our Ref FOI 2023-988

Dear XXXXX,

I write in connection with your request for information dated 12th October 2023, concerning drones.

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 Unmanned Aerial Support Group Trainer and South West Forensics at Wiltshire Police.

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

You wrote and our response:

Could you please answer the following questions to help me with my university project? Thankyou.

1. Does your Digital Forensics department have the ability to analyse and process evidence from Drones?

Yes

2. If not, is this work sent to a 3rd Party?

As above

3. Can you give any example of types of illegal activity that drones have been seized / analysed for evidence within your Police service?

Used to carry information/product into prisons. Drones have been recovered from the grounds and surrounding area of prison.

4. In 2022, how many reports did you have of incidents involving drones?

3

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In addition, and irrespective of what other information may or may not be held relating to drones seized or examined as a result of terrorism, this request also requires Wiltshire Police to Neither Confirm Nor Deny whether it holds any further information. This is because the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply, by virtue of the following exemptions;

- Section 23(5) - Information concerning security bodies
- Section 24(2) - National Security
- Section 30(3) - Investigations
- Section 31(3) - Law Enforcement

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

Section 24 and Section 31 are both prejudice and qualified based exemptions and as such there is a requirement to evidence any harm confirmation or denial that any other information is held, as well as consider the public interest.

Section 30 is a class based qualified exemption requiring a test of the public interest.

Harm in Confirming or Denying that Information is held

Any release under FOIA is a disclosure to the world, not just to the individual making the request. To confirm or not that any other information is held pertinent to this request would reveal whether or not there have been any seizure and examination of drones in relation to terrorism.

To confirm or deny whether any other information relating to terrorism is held would be extremely useful to those involved in terrorist activity, which would ultimately undermine ongoing investigations, which could lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as of today's date, as 'SUBSTANTIAL', which means that a terrorist attack is likely, see below link:

[Threat Levels | MI5 - The Security Service](#)

In order to counter criminal and terrorist behaviour it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

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

Public Interest Considerations

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Section 24(2) National Security

Factors favouring complying with Section 1(1)(a) confirming that information is held

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm where terrorism offences have occurred would enable the general public to hold Wiltshire Police to account ensuring all such offences are recorded and investigated appropriately.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Security measures are put in place to protect the community we serve. As evidenced within the harm to confirm whether terror offences have occurred would highlight to terrorists whether Wiltshire Police has conducted investigations of this nature, thus whether or not the police are aware of such activity.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms terror offences have occurred within Wiltshire Police jurisdiction; or conversely, stating no information is held) which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would, by default, affect National Security.

Section 30(3) Investigations

Factors favouring complying with Section 1(1)(a) confirming that any other information is held

There is a public interest in the transparency of policing operations and providing assurance that (force name) is appropriately and effectively dealing with crime, including terrorism. Confirming or denying whether any other information is held relevant to this request would allow the public to make informed decisions about the threat of drones being used within terrorist related activity.

Factors against complying with Section 1(1)(a) neither confirm nor denying that any other information is held

Whilst there is a public interest in the transparency of policing operations and providing assurance that (force names) is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of police investigations and operations and in maintaining confidence in the Police Service. Confirmation or denial that any other information is held relevant to the use of drones connected to terrorism would undermine any investigative process and compromise the integrity of any operations.

Section 31(3) Law Enforcement

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Factors favouring complying with Section 1(1)(a) confirming that any other information is held

Confirming that any other information exists relating to terror offences would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce offences.

Factors against complying with Section 1(1)(a) neither confirm nor denying that any other information is held

Confirmation or denial that information relating to terror offences is held in this case would suggest Wiltshire Police take their responsibility to protect information dismissively and inappropriately.

Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world that would undermine the security of the national infrastructure, this could then be used by offenders, including terrorist organisations, to their advantage, which would compromise public safety and more worryingly encourage offenders to carry out further crimes.

By its very nature, information relating to whether or not terror offences have occurred within a specific force area undoubtedly undermines the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, other law enforcement agencies and their employees.

Balancing Test

The points above highlight the merits of confirming or denying whether any other information is held in relation to drones seized in connection to terror offences. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to monitor terrorist activity would place the security of the country at an increased level of danger.

In addition anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service. Therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that any other information is held with regard to question 3.

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 23(5) - Information concerning security bodies

Section 24(2) - National Security

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Section 30(3) - Investigations

Section 31(3) - 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.

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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