

Our Ref: IM-FOI-2022-1337
Date: 05 July 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Since 2018, if your police force uses drone technology, has it / how many times has it (if this is recorded) been used to target or seek out encampments of unhoused persons.

In response to this question, we can advise that drone technology has never been used to target or seek out encampments of unhoused persons.

Are they used to monitor protests (this shouldn't fall under a classified exemption as it's fairly common knowledge this technology is used by UK police for such purposes, so a simple confirmation or denial would be sufficient here).

In response to this question, yes drone technology is used for search purposes.

Has an officer ever been officially suspected of, accused of, or disciplined for, and if so to what degree, misusing a drone while on duty, for example, to peer at people through windows, flying too close to private property, follow unsuspected innocent people around, or other infractions not listed but would fall under the description of misuse for official purposes - I'm not looking for data on say, accidents where they've flown into things caused unforeseen property damage. If the answer is yes, please give all information you can about these events / number of them and type of offence, without disclosing personal information.

Having considered this question in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

Whilst we accept that you may have a legitimate interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that officers and staff members have in Police Scotland as regards their personal information.

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Taking into account the context of this request, I would first note the overall number of Police Scotland officers deployed in the operation of Drones is a comparatively low number. It is therefore reasonable to assume that to confirm whether or not any of this small number of officers are/have been under investigation could realistically lead to the identification of individuals, either in the public domain and/or to their colleagues.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested third party personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

I'd also like to know where data on general arrests of unhoused people can be found, and if this would fall under FOI, for the period 2018 to present, and therefore would constitute its own request, or is exempt by way of being readily available to me by other means. If you have this information I would like it in whichever form it is contained in, but only if this element of the request doesn't exceed cost limit, if so, I'm more than happy to submit further requests for this information.

Having considered this question in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, there is no searchable field for unhoused/homeless etc and as such the only way to provide an accurate response to your request would be to read case by case, thousands of arrest reports, to establish if an individual was homeless etc - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

Should you require any further assistance please contact Information Management - Dundee quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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