



Ministry
of Defence Police

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[REDACTED]
Our Ref: eCase: FOI 2019/00465 RFI:15/19

Date: 07 February 2019

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: DRONES

I refer to your email dated 10 January 2019 which was acknowledged on the same date.

I am treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

“I would like to know the following under the Freedom of Information Act. Total breakdown of the number of reported incidents involving drones reported to your force in the last three calendar years, broken down by year.

- Q1: Total number of reported incidents for 2018, 2017 and 2016**
Q2: Relevant police notes (MO notes) describing the incident”

A search for information has been completed by the Ministry of Defence Police (MDP) and I can confirm that some of the information in scope of your request is held. We are able to provide the information in respect of Q1 as follows:

2016 – 36
2017 – 54
2018 – 52

However in respect of Q2, the information you have requested would be subject to the following exemptions: Section 26(Defence), Section 30(Investigations and proceedings conducted by Public Authorities), Section 31(Law Enforcement) and Section 40(Personal Information) and is therefore withheld.

Section 26, 30 and 31 are qualified exemptions and are subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure. Section 40 is an absolute exemption and there is no public interest test to apply.

Section 26(1) has been applied because the notes requested contain specific details about defence and critical national infrastructure sites across the defence estate. Release of such details could materially assist in the planning of an attack or other form of disruption which would be prejudicial to the capability and effectiveness of the armed forces.

Section 30(1) has been applied because some of the information is likely to be linked to live investigations or concerning individuals and therefore the release of such information would be prejudicial to any proceedings which may arise, potentially undermining investigations.

Section 31(1) has been applied because the notes contain specific mention of police tactics in respect of drones which may assist those with criminal intent in the execution of a crime if such details were released.

Some of the information requested contains personal data relating to third parties, the disclosure of which would contravene the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle that would be breached if we divulged the personal data of those individuals mentioned within the police notes. Therefore, Section 40 confers an absolute exemption on disclosure.

In favour of release for Q2 is the presumption towards disclosure under FOI as answering this question would demonstrate the Departments commitment to transparency and openness. Furthermore disclosure would promote public trust and better awareness of such incidents could potentially reduce crime or lead to more information from the public.

On balance, the public interest favours maintaining the exemptions and withholding the information you have requested.

Additionally, The MDP can neither confirm nor deny that it holds any other information relevant to the whole of your request, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 23(5) – Information relating to security bodies

Section 24(2) – National Security

Section 31(3) – Law Enforcement

Section 23 is an absolute exemption and not subject to a public interest test.

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held by carrying out a public interest test.

I have conducted a public interest test and while the Ministry of Defence Police understands the importance of releasing information that is in the public interest, it has been concluded that the balance strongly favours neither confirming or denying the Ministry of Defence Police holds any other information.

Section 24(2) is engaged because by confirming or denying whether any other information is held would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or critical national infra-structure of the UK and increase the risk of harm to the public.

Section 31(3) is engaged because by confirming or denying that any other information is held regarding drones would have the effect of compromising law enforcement tactics and would also hinder any future investigations.

This should not be taken as conclusive proof that any information that would meet your request exists or does not exist.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office