



Ministry of Defence Police

Freedom of Information Manager

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Our Ref: eCase: FOI 2019/07761
RFI:240/19

Date: 2 August 2019

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: DRONE AND UAV CALLS.

We refer to your email dated 4 July 2019 to the Ministry of Defence Police which was acknowledged on the same date.

We are 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:

“1. For the period 1st April 2019 to 30th June 2019 can you please tell me how many drone/UAV related calls per month have been received by the Ministry of Defence Police, with a breakdown of the specific nature of each call.

2. Also, for 2018 and the period 1st January to 30th June 2019 can you please tell me how many people have been cautioned and how many charged for violations of the Air Navigation Order rules 94, 95 and 241.”

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

1. April 2019 – 6
May 2019 – 7
June 2019 – 5

2. NIL

However in respect of the breakdown of the specific nature of the call in question 1, 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 although there is a presumption of release under FOI, the breakdown of the nature of the calls contain specific details about defence and 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 although disclosure could promote public trust, transparency and demonstrate openness, some of the information is likely to be linked to proceedings or concerning individuals known to the police 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 although better awareness of such sightings may lead to more information from the public in respect of sightings, the breakdown contains specific mention of police responses 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.

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 is 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 other information that would meet your request exists or does not exist.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

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