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**Data Protection Impact Assessment (DPIA) – Stage 1**

This form is Stage 1 of the Data Protection Impact Assessment (DPIA) process. You are advised to refer to the guidance material available before completing the form.

**Data Protection Impact Assessment (DPIA)**

Please provide as much detail as possible, avoiding technical language and acronyms, explaining the proposal in a way that someone with no prior knowledge could easily understand.

**Section 1 - Governance**

Project Proposal Name:	Drones
Information Asset Owner:	Chief Superintendent Claire Bell - [REDACTED]
Information Custodian:	Superintendent Beth Bridges - [REDACTED]
DPIA Coordinator:	[REDACTED] - [REDACTED]
Date on which processing will commence:	19/06/2020
Date submitted to DPO:	19/06/2020

**Note:** DPO will give an **initial response** within 10 working days of receiving the completed form.

**DPO Assessment**

**\*\*\*DPO Use Only\*\*\***

A. DPIA is not mandatory.	<input type="checkbox"/>	
B. DPIA is not required as long as the remedial action listed is carried out. If the remedial action is not carried out, a DPIA will be required.	<input type="checkbox"/>	
C. DPIA is mandatory.	<input checked="" type="checkbox"/>	There are potentially images, political beliefs, and other sensitive information gathered and used in this process. I feel it warrants a second stage DPIA. [REDACTED]



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**Section 2 - Purpose, Scope and Context**

In this section you must explain what the processing is, who it will involve, and the intended impact. You must also demonstrate why the processing is necessary and proportionate, providing evidence to support your assessment.

- The processing must be **necessary** for the specific objective of the proposal.
- It must also be **proportionate**, meaning that the advantages resulting from the processing should not be outweighed by the disadvantages to individuals.

**2.1 Please briefly explain the specific aim and purpose of the proposal in a way that someone with no prior knowledge could easily understand; avoid technical language and acronyms.**

Drone technology is a recent innovation and its full capabilities and uses are still being developed. WMP aims include but not limited to:-

- Prevention and detection of crime
- Apprehension and prosecution of offenders
- Enhance the safety of the Public and our Officers and Staff.
- Realise operational efficiencies
- Maintenance of law and order
- Protection of property
- Public Safety

Drone technology supports the tactical overviews of public order events and protests, enabling an enhanced operational and tactical overview at firearms deployments and crime scene forensic support.

Drone technology is an aid to Firearms Operations Unit in responding to [REDACTED], standard firearms incidents, or containment on premises options. Utilising drones would give significant uplift in the most serious of incidents and have a significant impact in reducing the potential for loss of life.

Drone technology has the potential to be further expanded to cover the search for missing/vulnerable persons, assist with investigations in to road traffic collisions, and assisting with event planning and management.

**2.2 What categories of personal data will be processed?** Provide an overview of the categories of personal data that will be processed, for example: names, DOBs, addresses, health data, criminal records, or any other unique identifiers such as IP addresses, usernames, e-mail addresses.

Drone technology principally focuses on image capture, either still images or in the vast majority of incidents video capture.

The number of individuals that may be affected by drone operations is difficult to determine as for large scale public order events (such as football matches) the image capture has the capability to capture thousands of images.

Images used and processed would only encompass those that are of an evidential value to an operation, either with a view to identifying offenders or in the identification of missing/vulnerable



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persons.

From the image capture being processed this could lead on to further personal data being identified that could include:-

- Names
DOB's
Addresses
Criminal records
Any further information relating to the subject held on West Midlands Police systems.

2.3 Will special category data be used in the proposal? (Select all that apply)

- Checked: Race, Trade union membership, Political opinions, Sexual orientation, Religion, Philosophical beliefs
Unchecked: Ethnic origin, Genetic Data, Biometric Data, Health, None

2.4 How will the data be collected? Briefly outline how you will obtain the data, examples include: directly from data subjects, from another data set already in the WMP's possession, from a different force.

Data will be collected via the drones' camera and as a direct consequence will be focused on image capture.

The camera live streams footage to the ground station controller. The live stream is fully encrypted using [redacted]

[Large redacted block]

2.5 How will the data be used? Briefly describe how the data will be used, recorded, and stored and who it will be shared with.

On completion of a deployment the pilot operator will return with the drone to a station. The pilot will review the captured footage and a decision will be made on whether there is a requirement for the footage to be retained. If the footage is not required then it will be immediately permanently deleted. In the event that the footage is required then it is downloaded on to a non-networked WMP laptop.

For evidential purposes the footage will be burned to a DVD or copied to an USB stick and transferred onto a networked WMP laptop.

WMP have recently sourced a solution to the management of the drone fleet and the storage of



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drone data. The new system is called Centrik and as of 11<sup>th</sup> June 2020 it is in the process of being populated and implemented.

Footage will primarily be shared with the Crown Prosecution Service (CPS) and viewed in Court in criminal proceedings cases. There is scope in isolated incidents for the footage to be shared with media outlets. This will primarily be for identification purposes of persons of interest in relation to an incident/event or for locating possible witnesses to an incident/event.

Footage stored on DVD's/USB's will be retained in line with MoPI guidelines and Force Policy.

**2.6 How many individuals will the processing affect? (Please specify one answer below)**

- Fewer than 100 data subjects
- 100 to 1000 data subjects
- 1000 to 5000 data subjects
- More than 5000 data subjects

**2.7 What categories of data subject are involved? (Please select all applicable categories below)**

- Persons suspected of having committed or being about to commit a criminal offence
- Persons convicted of a criminal offence
- Persons who are or may be victims of a criminal offence
- Witnesses or other persons with information about offences
- Children or vulnerable individuals
- WMP staff (current and former)
- Other

**If other then please provide further details below:**

Click here to enter text.

**2.8 Will it involve the collection of new information about individuals? Will WMP collect data that it has not previously collected or had access to?**

- Yes
- No

**2.9 Data Sharing**

**Does the processing involve:**

**Select one option**

2.9.1 Data being shared with third parties external to WMP or recipients that have not previously had routine access to the information?

- Yes
- No

2.9.2 Transferring data outside the UK but within the EU?

- Yes
- No



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2.9.3	Transferring data outside the EU?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.9.4	Storing data using a cloud service provider?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.9.5	Is there an ISA, contract, or other sharing agreement in place with all parties with whom data will be shared?	<input checked="" type="checkbox"/> Yes – agreements in place <input type="checkbox"/> Not yet – agreements required <input type="checkbox"/> No – none required

**2.10 Why it is necessary to use personal data to achieve the aim and why can't the aim be achieved by other means?**

For example, can the aim be achieved by using less data or different types of data?  
Are all categories of data necessary to achieve the aim?

Drone technology only captures image data, either still images or live video. Only those images that once reviewed and deemed necessary will be retained and processed. The image captures retained are deemed necessary to aid in identifying individuals from a law enforcement directive perspective or also in the identification of missing/vulnerable persons.

**2.11 Explain how the use of personal data is proportionate to the aim of the proposal.**

Weigh the advantages of achieving your purpose against disadvantages to data subjects.

Only those images deemed necessary following a risk assessment would be processed further for operational purposes.

**Section 3 – Lawful Basis**

**3.1 Lawful Basis**

To process personal data you must have a lawful basis. Please select the one appropriate lawful basis from the drop down list.

As per Article 6 of the GDPR (Part 2 of DPA 2018) it is important that there is a lawful basis for the processing of personal data; this lawful basis for the processing of personal data captured via drone technology is based on the following:

- Public task: The processing of the data can be processed to enable West Midlands Police to carry out their official functions and/or a task in the public interest.

Processing data in this way is necessary in order to enable West Midlands Police officers to more effectively and accurately conduct policing works/operations.



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Furthermore, processing of crime data is subject to the Law Enforcement Directive (Part 3 of DPA 2018), and in particular (35) The first data protection principle is satisfied under Section 5 clause (a) as highlighted below:

The first data protection principle

(2) The processing of personal data for any of the law enforcement purposes is lawful only if and to the extent that it is based on law and either—

(b) The processing is necessary for the performance of a task carried out for that purpose by a competent authority.

**3.2 Further Special Category Lawful Basis**

If processing special category data (section 2.3) you must have identified a further lawful condition

**Operational Data:**

The processing is strictly necessary (please tick to confirm)

**AND**

One of the following conditions applies (select from the list):

Statutory Purpose

**Administrative Data:**

It is necessary for one of the following conditions (select from the list):

Choose an item.

**OR**

It is in the substantial public interest (tick to confirm)

**AND** for the following purpose:

Choose an item.

**Section 4 – Review, Retention and Disposal**

**4.1 Does the proposal have a review, retention and disposal process that complies with WMP Policy?** All records must have an initial retention period set by the owner of the information when first created or received; review and disposal criteria are defined within the WMP IM document suite.

Yes

No



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**Section 5 – ICO: Additional Factors**

The Information Commissioner’s Office have published a number of factors that present a ‘high risk’ when processing personal data. Saying yes to one or more of the following may indicate that the processing is high risk and a Stage 2 DPIA is likely to be required.

<b>Does the processing involve:</b>		<b>Please check either Yes or No</b>	<b>If ‘Yes’ then please provide further details</b>
<b>5.1</b>	<p><b>Systematic, extensive and large scale profiling and automated decision-making about people?</b>  <i>"Any systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions are based that produce legal effects, or significantly affect the natural person"</i></p> <p>Profiling is any form of processing where personal data is used to evaluate certain personal aspects relating to an individual, including the analysis or prediction of an individual’s performance.</p> <p>Automated decision-making involves making a decision that affects someone by technological means without human involvement, for example issuing speeding fines solely based on evidence captured from speed cameras.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Captured images will always require human involvement with officers reviewing footage. Any rationale for either retention or discarding footage will be duly recorded.</p>
<b>5.2</b>	<p><b>Large scale use of special category data or criminal offence data?</b>  <i>"Processing on a large scale of special categories of data, or personal data relating to criminal convictions and offences referred to in Article 10"</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Primarily this is no but there could be specific events such as religious festivals or political rallies and marches that could fall under this category. Processing further, other than the initial image capture, would only occur if there were incidents or events and then it would be more target driven at individuals.</p>





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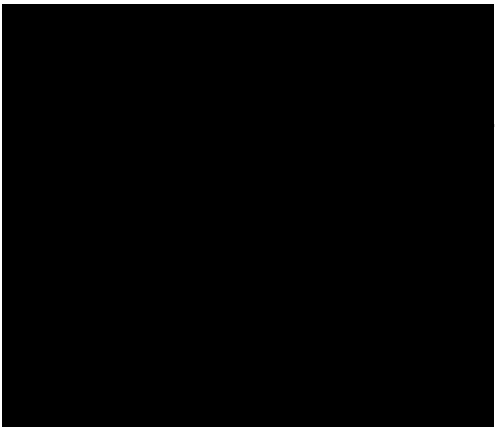
(When complete)

5.3	<p><b>Public monitoring?</b>  <i>"Systematic monitoring of a publicly accessible area on a large scale"</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Drones by their nature when deployed have the potential to cover large geographical areas. When used to cover any large scale public order event (e.g. football matches, political rallies, protest marches, festivals) the image capture will cover many thousands of individuals. Even when deployed to assist in searches for missing/vulnerable persons additional non-essential images will still be captured.</p>
5.4	<p><b>New technologies or techniques?</b>  <i>"Processing involving the use of new technologies, or the novel application of existing technologies (including Artificial Intelligence)"</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The use of drone technology is a recent innovation with the data collected assisting in new methods of policing.</p>
5.5	<p><b>Profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit?</b>  <i>"Decisions about an individual's access to a product, service, opportunity or benefit which is based to any extent on automated decision-making (including profiling) or involves the processing of special category data"</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5.6	<p><b>Biometrics/genetic data?</b>  <i>"Any processing of biometric data" and/or "any processing of genetic data other than that processed by an individual GP or health professional, for the provision of health care direct to the data subject" Biometric data can include Facial Recognition technology, fingerprints and is defined as</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5.7	<p><b>Data matching?</b>  <i>"Combining, comparing or matching personal data obtained from multiple sources"</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5.8	<p><b>Invisible processing?</b>  <i>"Processing of personal data that has not been obtained direct from the data subject in circumstances where providing a Privacy Notice would prove</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Whilst the drone deployment will be overt in nature, the image capture will not have been obtained directly from the data subjects with their permissions.</p>





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	<p><i>impossible or involve disproportionate effort"</i></p> <p>For example, when gathering data, without the knowledge of the data subject, in the course of a Police investigation.</p>		<p>However, this is negated as the deployment will have been covered by the lawful processing under public task and law enforcement directive as outlined in section 3.1.</p>
5.9	<p><b>Tracking?</b> <i>"Processing which involves tracking an individual's geolocation or behaviour, including but not limited to the online environment"</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>There will be instances when drones are deployed where tracking will form part of the processing. Examples, but not limited to, will involve prevention and detection of crime, identifying offenders, tracing missing/vulnerable persons. There is no scope for the technology to be used for tracking individuals online.</p>
5.10	<p><b>Targeting of children or other vulnerable individuals?</b> <i>"The use of the personal data of children or other vulnerable individuals for marketing purposes, profiling or other automated decision-making, or if you intend to offer online services directly to children"</i></p> <p>For example, the use of personal data relating to children for the purposes of marketing their online safety products.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
5.11	<p><b>Risk of physical harm?</b> <i>"Processing is of such a nature that a personal data breach could jeopardise the [physical] health or safety of individuals".</i></p> <p>For example, if data relating to CSAE, HUMINT or protected persons data was compromised then it could jeopardise the safety of individuals.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If a data breach occurred there is the potential for data subjects to be revealed or exposed to malicious parties.</p> 



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5.12	<p><b>Evaluation or scoring?</b> "Aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements" For example, as part of a recruitment process.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5.13	<p><b>Data processed on a large scale.</b> Considerations include:</p> <ul style="list-style-type: none"> <li>• The number of data subjects concerned</li> <li>• Volume of data and/or range of data items</li> <li>• Duration, or permanence, of the data processing</li> <li>• Geographical extent of data processing</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Data collected has the potential to encompass many thousands of data subjects during a deployment. This is mitigated by virtue that following a risk assessment of the data collected only that data that is required for evidential purposes will be further retained. The remainder will be permanently deleted. The data retained will be subject to the standard retention principles as outlined in the Management of Policing Information.</p>
5.14	<p><b>Preventing data subjects from exercising a right?</b> The rights are:</p> <ul style="list-style-type: none"> <li>• The right to be informed</li> <li>• The right to access data</li> <li>• The right to rectification</li> <li>• The right to erasure</li> <li>• The right to restrict processing</li> <li>• The right to object</li> <li>• The right to portability</li> <li>• Rights relating to automated processing</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Please forward the completed form the WMP DPO.**