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### APPENDIX 1

#### Scrutiny and Oversight:

Page No	Comment Type	Text
3	Conclusion	The previous inquiries undertaken by the Sub-Committee into Police Scotland's plans to introduce digital device triage systems and facial recognition technology, demonstrates the risks involved in introducing new technologies to policing. It confirmed the need for necessary assessments to be undertaken, the legal basis for the use of such technologies to be confirmed, and relevant stakeholders to be consulted prior to a decision being made.
<p>These observations are noted. Police Scotland have introduced a Biometrics Oversight Board, chaired by Deputy Chief Constable, Crime &amp; Operational Support and supported by a Biometrics Sub-Group chaired by the Biometrics Data Steward. Together with the appointment of the Scottish Biometrics Commissioner and the existing Independent Ethics Advisory Panels, there is sufficient internal and external oversight and direction of the coordination of all Police Scotland policies and proposals.</p>		
7	Conclusion	<p>As was the case with the roll-out of cyber kiosks, the Sub-Committee has had to expend a significant amount of time trying to obtain a simple and clear answer from Police Scotland on the actual number of drones it possesses, what those drones have been, and will be, used for, and what work the service has done to ensure it has consulted about the potential impacts of the use of the drones.</p> <p>From our point of view, this experience has been protracted and frustrating.</p>
<p>It is regrettable that the Justice Sub-Committee on Policing were frustrated by the information provided by Police Scotland, but be assured that at all times Police Scotland has attempted to be as open and transparent as possible.</p>		
7	Conclusion	<p>It is not immediately obvious to the Sub-Committee that Police Scotland has learned the lessons from our cyber kiosks inquiry. Irrespective of the budget for purchase and whether this is above or below its discretionary spend limit of £500,000 (where by it would need the approval of the SPA), Police Scotland must accept that proper due diligence and prior consultation with human rights, privacy, data protection and other ethics groups is needed before these technologies are used, even in pilot form. This process should be open and transparent and not require a parliamentary committee to have to expend significant effort obtaining basic information on technologies as controversial as drones.</p>
<p>Police Scotland is committed to ensuring that any new and emerging technology is considered and progressed appropriately, following engagement and consultation with the Scottish Police Authority and other stakeholders. In respect of any use of technology, Police Scotland will always complete a Data Protection Impact Assessment and an Equality and Human Rights Impact Assessment as part of the development.</p>		

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<p>Police Scotland have introduced a Biometrics Oversight Board, chaired by Deputy Chief Constable, Crime &amp; Operational Support and supported by a Biometrics Sub-Group chaired by the Biometrics Data Steward. Together with the appointment of the Scottish Biometrics Commissioner and the existing Independent Ethics Advisory Panels, there is sufficient internal and external oversight and direction of the coordination of all Police Scotland policies and proposals.</p>		
8	Recommendation	<p>The Sub-Committee believes that the SPA's lack of a governance process for purchases by Police Scotland below £500,000 provides an insufficient level of scrutiny. The Sub-Committee asks the SPA to confirm whether it remains its policy to apply no formal governance process to Police Scotland purchases which do not exceed £500,000.</p>
<p>Police Scotland will continue to engage and consult with the Scottish Police Authority in terms of the purchasing of new equipment, in line with their guidance.</p>		
8	Recommendation	<p>The Sub-Committee recommends that where technologies have far reaching human rights, equalities and data protection impacts, the SPA must scrutinise the policy impact of such devices irrespective of the financial size of any contract and do so prior to any use by Police Scotland is authorised.</p>
<p>Police Scotland will continue to engage and consult with the Scottish Police Authority in line with their guidance. In respect of the use and development of technology, Police Scotland will continue to complete a Data Protection Impact Assessment and an Equality and Human Rights Impact Assessment where appropriate.</p> <p>Police Scotland understand the need to identify issues of this nature promptly and good progress is being made with the ethics framework around the use of data and technology.</p> <p>A Memorandum of Understanding is being developed with the Scottish Police Authority which will assist in achieving this.</p> <p>Police Scotland and the Scottish Police Authority will continue to progress this work as part of the developing communication and engagement plan for various areas within the cyber strategy implementation. Work is underway to ensure a comprehensive engagement and consultation planning process with the public and key stakeholders, in which the Scottish Police Authority will play a key role.</p>		
8	Recommendation	<p>The Sub-Committee recommends that any proposal by Police Scotland to expand the number or use of drones for wider operational purposes, or to purchase drones with additional functionality such as the inclusion of facial recognition technology, must be subject to robust and transparent oversight and scrutiny. This must involve the SPA before decisions are taken and the relevant parliamentary committee must also be informed.</p>
<p>At present, Police Scotland has no plans to extend the use of drones however, any future development would be considered as part of the Air Support Unit strategy and would be overseen by the newly formed internal Air Support Monitoring Group. The matter would be referred to the Scottish Police Authority and would be subject to external engagement prior to any action. The Data Protection Impact Assessment, Equality and Human Rights Impact Assessment and Code of Practice would also be updated to reflect any changes. In the event of any proposal for inclusion of Facial Recognition, this will follow the new Biometrics governance and strategic oversight structure for approval.</p>		

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8	Recommendation	The current calendar year will see Police Scotland being called upon to police important and high-profile public events such as COP26 in Glasgow and the Euro2020 football tournament. No use of drones for these events should be permitted without a clear case being made to, and agreed by, the SPA with the relevant parliamentary committee being informed.
<p>Police Scotland consider the use of drones at an event, such as those referred to, as an operational policing decision. There is relevant internal governance and policy in place in to ensure appropriate communication, engagement and notification to the Scottish Police Authority and wider public.</p>		

### Financial Scrutiny:

Page No	Comment Type	Text
9	Conclusion	From the conflicting financial information available it is unclear what Police Scotland purchased for £105,890. There is a lack of detail in the financial information made available to the Sub-Committee, and a lack of transparency in the financial process.
<p>The figure of £105,890 was the original purchase cost of three DJI Wind 8 platform drones from Martek Drones Ltd (COPTRZ) and associated accessories. At this time the DJI M210 did not exist commercially and was not available for purchase.</p> <p>During acceptance testing of the DJI Wind 8, issues arose regarding the internal GPS and relay and integration of the thermal image camera sensor. Despite the best efforts of the supplier, they were unable to resolve these issues and Police Scotland returned the items. An alternative was supplied, namely three DJI M210 platforms, along with the relevant accessories. Police Scotland has stringent processes in place around financial governance to ensure management and oversight of any purchases and these were fully complied with.</p>		
9	Recommendation	The Sub-Committee recommends that the SPA improves its financial scrutiny processes to ensure that there is a transparent audit trail of the money it allocates to Police Scotland for purchases, and that it carries out more robust scrutiny of estimates provided by Police Scotland for the purchase of new technology.
<p>Police Scotland has stringent processes in place around financial governance to ensure management and oversight of any purchases.</p>		

### Prior to Operational Deployment:

Page No	Comment Type	Text
10	Conclusion	The Sub-Committee notes that human rights, privacy and data protection assessments were not carried out prior to the purchase of the drones. The decision to use drones first to understand their impact, prior to the identification and mitigation of risks, is inappropriate.
<p>The conclusion reached by the Sub-Committee is noted. All relevant assessments were in place prior to any operational use of the drones.</p>		

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10	Recommendation	<p>The Sub-Committee is also concerned to note that the 2021 DPIA will only be subject to a “revised internal consultation”, similar to the one undertaken for the 2019 DPIA, which only involved Police Scotland engaging with other UK police forces using drones.</p> <p>It might be expected given the experience to date that any revised consultation on the 2021 DPIA would now include external stakeholders specifically representing human right and data protection issues.</p>
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Police Scotland is fully engaged in external engagement around drones. The topic was subject to an Independent Ethics Advisory Panel and was presented to the 32 Local Authority Scrutiny Conveners on 13 April 2021. It is intended that the topic will be presented to COSLA and SOLACE in the near future. A Code of Practice is being developed and will be published, following endorsement by the Scottish Police Authority. A revised Data Protection Impact Assessment and Equality and Human Rights Impact Assessment is being devised in addition to a communications strategy, all of which will be subject to continual review through the newly formed internal Air Support Monitoring Group.

### Communication, Engagement and Consultation:

Page No	Comment Type	Text
12	Conclusion	<p>The communication by Police Scotland prior to the deployment of drones gave a clear impression that two drones would be deployed in remote and rural areas in Aberdeen and Inverness to search for missing persons.</p> <p>Despite risks around public perceptions and surrounding privacy being identified, these were not addressed in the information provided by Police Scotland to the media, the SPA and the Sub-Committee.</p>

The primary deployment of drones was within Aberdeen and Inverness to assist in the searching for missing persons, based on the challenges of the geography and flying time of the helicopter to the North of Scotland. Part of the initial tender included a third drone, which was retained at Glasgow for research & development, training and operational deployment when required. There was engagement with the Scottish Police Authority around this purchase.

The media launch highlighted that drones would be used primarily for missing person searches, but also highlighted that they would be used to support local policing incidents, events and protests. Moving forward, Police Scotland intend to ensure that there is wider consultation around any further developments in the use of drones as referred to in the point preceding this one.

12	Recommendation	<p>The Sub-Committee recommends that where risks around public perceptions surrounding privacy are identified, Police Scotland’s communications and engagement strategy should detail how those concerns are to be addressed.</p>
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Police Scotland notes the recommendation. The risks around public perception and privacy are being incorporated into the Air Support Unit Strategy, Code of Practice and Communications and Engagement Strategy to ensure that these concerns are addressed.

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12	Recommendation	The Sub-Committee supports the SPA's proposal that future engagement should include a wide-ranging consultation on the proposed use of drones and recommends that the SPA leads on this work.
<p>Police Scotland has undertaken external engagement in relation to drones through an Independent Ethics Advisory Panel and a briefing to the 32 Local Authority Scrutiny Conveners. Plans are ongoing to undertake a presentation to COSLA and SOLACE in addition to ongoing engagement with the Scottish Police Authority.</p> <p>Further engagement will be incorporated into the Air Support Unit Strategy, Code of Practice and Communication and Engagement Strategy. These will be continually monitored through the newly formed internal Air Support Unit Monitoring Group.</p>		
12	Recommendation	In our examination on the possible use of drones for covert surveillance [Paragraphs 100- 111], we comment further on our concerns surrounding what we see as the ongoing difficulty which Police Scotland has in formulating and communicating its technological needs to key scrutiny bodies, external stakeholders and the wider public.
<p>Police Scotland is committed to ensuring that there is continual development and improvement around the technology utilised by the force. In respect of that Police Scotland will ensure that there is engagement with key scrutiny bodies, external stakeholders and the wider public.</p> <p>Police Scotland have never used drones for covert purposes and there are no plans to use them in that way.</p>		

### Commitments given by Police Scotland to the SPA:

Page No	Comment Type	Text
13	Conclusion	The reasons for the change to the terms of reference for the evaluation report, and whether the SPA Board was informed of this change, are unclear.
<p>It is regrettable that there was a breakdown in communication around the terms of reference for the Evaluation Report in respect of the use of drones. The Scottish Police Authority were informed of this in November 2020 and, as a result, a revised Evaluation Report was submitted to the Authority for review in March 2021.</p>		
13	Recommendation	The Sub-Committee asks the SPA to clarify how the terms of reference for the evaluation agreed by the SPA Board were changed and whether any processes have been changed to avoid a similar situation occurring in future.
<p>Police Scotland is committed to ensuring that there is full engagement with the Scottish Police Authority. Police Scotland will ensure that guidance issued by the Scottish Police Authority is communicated and acted upon.</p>		

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### Parameters of Use:

Page No	Comment Type	Text
16	Conclusion	<p>The evidence that the Sub-Committee received during its short inquiry indicates that there is support for Police Scotland's use of drones to search for missing people in remote and rural areas.</p> <p>It also indicates much less support, as well as a number of concerns, about drones being used by Police Scotland for wider operational purposes.</p>
<p>Police Scotland will continue to review and liaise with the Scottish Police Authority around the use of drones. Police Scotland has undertaken external engagement in respect of drones through an Independent Ethics Advisory Panel and a briefing to the 32 Local Authority Scrutiny Conveners. Plans are ongoing to undertake a presentation to COSLA and SOLACE in addition to ongoing engagement with the Scottish Police Authority. Further engagement will be incorporated into the Air Support Unit Strategy, Code of Practice and Communication and Engagement Strategy. These will be continually monitored through the newly formed internal Air Support Unit Monitoring Group. Feedback to date through these channels indicates strong support for the operational use of drones across a number of policing applications subject to relevant scrutiny and accountability.</p>		
16	Recommendation	<p>The Sub-Committee recommends that the current restricted use of drones by Police Scotland remains in place, until a public consultation on wider deployment has been completed and the results published.</p>
<p>A process of authorisation and assessment of the operational use of drones has been agreed between Police Scotland and the Scottish Police Authority.</p>		
16	Recommendation	<p>The Sub-Committee recommends that any public consultation seeks views on whether drones should be used by Police Scotland and, if so, the parameters of that use. Views should be sought on whether drones should be used for: policing purposes beyond searching for missing persons; proactive policing purposes such as surveillance, crowd control, and antisocial behaviour; and whether drones should be deployed in urban areas. The results of the consultation should inform the future strategy.</p>
<p>Police Scotland is fully engaged in external engagement around the use of drones. Police Scotland has no intention of using drones for surveillance or in any covert capacity. Police Scotland has undertaken external engagement in respect of drones through an Independent Ethics Advisory Panel and a briefing to the 32 Local Authority Scrutiny Conveners. Plans are ongoing to undertake a presentation to COSLA and SOLACE in addition to ongoing engagement with the Scottish Police Authority. Further engagement will be incorporated into the Air Support Unit Strategy, Code of Practice and Communication and Engagement Strategy. These will be continually monitored through the newly formed internal Air Support Unit Monitoring Group. Feedback to date is positive in relation to the wider operational use of drones subject to relevant authorisation and scrutiny.</p>		
16	Recommendation	<p>The Sub-Committee notes that Police Scotland deployed drones operationally for almost 18 months, with no oversight by the SPA to ensure that they were deployed for the agreed purpose.</p>

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		The Sub-Committee recommends that the SPA amends its procedures to ensure it carries out regular scrutiny and oversight of Police Scotland's introduction of the use of any new technology.
Police Scotland will continue to engage with the Scottish Police Authority around the use of drones and wider technology.		

### Covert Surveillance:

Page No	Comment Type	Text
17-18	Conclusion	The Sub-Committee believes the conflicting evidence provided by Police Scotland on whether it plans to use drones for covert operations or not, highlights the pressing need for Police Scotland to be clear with scrutiny bodies and external stakeholders on the expectations they have for the operational use of new technology. This, in turn, needs to be accompanied by the correct sequence of actions in terms of the operational assessment of the technology needed by the police; the assessment of any implication for equality, human rights and data protection issues presented by that technology – which has to involve key external partners outside of the wider police community, such as civil liberty, human rights and data protection groups, legal experts and appropriate public consultation.
<p>Police Scotland have never used drones for covert purposes and there are no plans to use them in that way.</p> <p>It is accepted that wider external engagement should have been considered at an earlier stage. Police Scotland has undertaken external engagement in respect of drones through an Independent Ethics Advisory Panel and a briefing to the 32 Local Authority Scrutiny Conveners. Plans are ongoing to undertake a presentation to COSLA and SOLACE in addition to ongoing engagement with the Scottish Police Authority. Further engagement will be incorporated into the Air Support Unit Strategy, Code of Practice and Communication and Engagement Strategy. These will be continually monitored through the newly formed internal Air Support Unit Monitoring Group.</p>		
18	Conclusion	This approach would then allow the police to make a transparent, coherent, evidence-based case to the SPA and Ministers for the technology it requires and the resources to procure and operate it
<p>Police Scotland is committed to ensuring that there is continual development and improvement around the technology utilised by the force. In that respect Police Scotland will ensure that there is engagement with key scrutiny bodies, external stakeholders and the wider public.</p>		
18	Conclusion	The inadvertent confusion which has arisen on this occasion between a senior member of Police Scotland force management and the Sub-Committee given us pause for thought. It is illustrative of the vital need for the police to take the right approach to the acquisition and use of technology like drones.

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		Otherwise, there must be a high risk that even greater confusion could be raised in the minds of policy makers, the media and the public which may undermine public confidence in the police's use of such technology.
It is regrettable that the Sub-Committee felt confused by the information provided and this was in no way intentional. Moving forward, Police Scotland is committed to ensuring detailed communications strategies are in place in respect of new and emerging technologies. This will be further supported by the new strategic oversight for new technologies in relation to Biometrics.		
18	Conclusion	Embedding a culture of a human-rights based assessment approach as the default mechanism for all decisions on the operational need for new technology by the police would, in our view, minimise this risk in the future.
Police Scotland as an organisation place significant emphasis on human rights, including the use of new technologies. An Equality and Human Rights Impact Assessment was completed in respect of drones and is subject to continual review. This will be monitored through the internal Air Support Monitoring Group.		

### Community Impact Assessments:

Page No	Comment Type	Text
18	Recommendation	The Sub-Committee recommends that the SPA amends the terms of reference for the second evaluation report to include an evaluation of Police Scotland's use of community impact assessments, and whether different assessments are required for the use of drones in urban and rural areas.
Community Impact Assessments were included within the updated Operational Evaluation that was presented to the Scottish Police Authority in March 2021. Police Scotland will continue to monitor and consider assessments through engagement with the Scottish Police Authority.		

### Safety Issues:

Page No	Comment Type	Text
20	Conclusion	It seems that the drones purchased by Police Scotland are only able to fly in fair weather or light rain and are, therefore, not a viable alternative to be deployed in circumstances when a police helicopter cannot due to inclement weather conditions.  It is unclear whether the water ingress issue experienced by some DJI M210 drones has been resolved or is being managed.
The issues regarding the M210 were unknown at time of acquisition and, whilst the water ingress issue has been resolved, Police Scotland has made a policy decision based on safety not to deploy the drones in wet weather. However, drones can deploy in lower visibility conditions than the helicopter.		



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20	Recommendation	The Sub-Committee recommends that the SPA seeks clarification from Police Scotland on the specification provided for the DJI M210 drones at the time of purchase, whether a refund can be requested, and whether the drones can only be deployed in fair weather.
<p>In 2017, Police Scotland purchased three DJI WIND 8 platform systems. The DJI WIND 8 was the most advanced, cost effective system available. However, during acceptance testing, it became clear that there were unresolvable issues that made this system unsuitable for operational deployment.</p> <p>This system was rejected and the supplier agreed to replace it with a suitable alternative, the newly available DJI M210.</p> <p>At the time of replacement, the DJI M210 was advertised as being able to fly in the rain. However, it became apparent that due to a manufacturing fault the drone suffered from water ingress and was not as weatherproof as was first advertised. This resulted in the loss of several police M210 drones in England and Wales.</p> <p>Police Scotland took the decision to cease all operational deployments during wet weather, concerns were also raised by the National Police Chiefs Council (NPCC). The manufacturer of the M210 DJI subsequently recalled all of these types of drone, including those owned by Police Scotland, and rectified the fault. Dialogue is ongoing between Police Scotland and the supplier around compensation.</p>		
20	Recommendation	The Sub-Committee recommends that the SPA seeks further information from Police Scotland on whether the water ingress safety issue has been resolved. In particular, how Police Scotland satisfies itself that its operational deployments in urban and rural areas do not fly over the heads of the public.
<p>Police Scotland will fully engage with the Scottish Police Authority. The issues regarding the M210 were unknown at time of acquisition and, whilst the water ingress issue has been resolved, a policy decision has been made based on safety not to deploy the drones in wet weather. However, drones can deploy in lower visibility conditions than the helicopter.</p>		

### Public Support:

Page No	Comment Type	Text
21	Conclusion	Police Scotland's consultation prior to the purchase of drones was mostly internal in nature and did not seek the views of external stakeholders.
<p>It is accepted by Police Scotland that there was very little engagement prior to the use of drones. Police Scotland is now fully engaged in external engagement around the use of drones. Police Scotland has undertaken external engagement in respect of drones through an Independent Ethics Advisory Panel and a briefing to the 32 Local Authority Scrutiny Conveners. Plans are ongoing to undertake a presentation to COSLA and SOLACE in addition to ongoing engagement with the Scottish Police Authority.</p> <p>Further engagement will be incorporated into the Air Support Unit Strategy, Code of Practice and Communication and Engagement Strategy. These will be continually monitored through the newly formed internal Air Support Unit Monitoring Group. This will be further supported by the new strategic oversight for new technologies in relation to Biometrics.</p>		

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22	Recommendation	The Sub-Committee agrees with Police Scotland that there should be a consultation prior to any decision to extend how drones are used by the force. The Sub-Committee recommends that there should also be a consultation on any future proposals to introduce the use of drones with additional functionality.
Police Scotland has no intention, at present, to extend the use of drones. In the future, a decision to extend their use would be considered through the newly formed Air Support Monitoring Group. In this instance, Police Scotland would ensure that there is engagement and consultation.		
22	Recommendation	We recommend the development of a statutory code of practice for the police use of drones.
Police Scotland is in the process of developing a Code of Practice. This will not be statutory however it will be subject to engagement with the Scottish Police Authority as well as other key stakeholders prior to final approval.		

### Future Plans:

Page No	Comment Type	Text
23	Recommendation	The Sub-Committee asks the SPA to confirm whether it has approved Police Scotland's proposals to develop the use of drones as part of the future air support unit strategy, progress activity to procure additional drones, and to purchase a downlink system. The Sub-Committee also asks the SPA to confirm if it is aware and scrutinising all of Police Scotland's plans to enhance its aerial surveillance capabilities, such as the development of bespoke RPAS/drone systems for Police Scotland with partners from academia and the aerospace/defence sector.
Police Scotland will engage fully with the Scottish Police Authority. At present, Police Scotland has no plans to purchase any further drones or enhance the current equipment. Whilst the downlink system's future use has been proposed to the Scottish Police Authority, any further progression or enhancement would be subject to internal governance procedures and further engagement both with the Scottish Police Authority and wider stakeholders.		
23	Recommendation	The Sub-Committee recommends that the SPA evaluates the operational effectiveness of the drones being used by Police Scotland, to inform its view on whether they represent best value for money.
Police Scotland will engage fully with the Scottish Police Authority. The Operational Evaluation presented to the Scottish Police Authority in March 2021 outlined the operational effectiveness of drones.		

### Ethical Considerations:

Page No	Comment Type	Text
24	Conclusion	The Sub-Committee welcomes Police Scotland's establishment of an ethics advisory panel to engage with external stakeholders on its use of drones.

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		The Sub-Committee notes that the lack of transparency in how the ethics panel is to conduct its business may not achieve the required reassurance for the public.
<p>Police Scotland is fully committed to ensuring that there are transparent processes in place to safeguard the advancements being made regarding technologies whilst ensuring that they are subject to appropriate engagement and scrutiny. The Ethic Advisory panel is one of a number of elements that will be used to better communicate, consult and engage with stakeholders and represents an important and positive step forward. This will be further supported by the new strategic oversight for new technologies in relation to Biometrics.</p>		
24	Recommendation	The Sub-Committee recommends that for the introduction of new technologies to policing, or an expansion of the use of existing technology, that ethics panels be established prior to these changes being introduced.
<p>Police Scotland acknowledges the recommendation by the Sub-Committee and can confirm that an Independent Ethic Advisory panel has been established along with a Biometrics Oversight Board, chaired by Deputy Chief Constable, Crime &amp; Operational Support and supported by a Biometrics Sub-Group chaired by the Biometrics Data Steward. Together with the appointment of the Scottish Biometrics Commissioner and the existing Independent Ethics Advisory Panels, there is sufficient internal and external oversight and direction of the coordination of all Police Scotland policies and proposals.</p>		
24	Recommendation	The Sub-Committee recommends that the Scottish Biometrics Commissioner, once appointed, should consider Police Scotland's use of drones and appoint relevant stakeholders to their independent advisory group to inform that consideration.
<p>Police Scotland acknowledges the recommendation by the Sub-Committee and moving forward this will be considered through the Police Scotland Biometrics Oversight Board.</p>		

### Compliance with Human Rights Legislation:

Page No	Comment Type	Text
25-26	Conclusion	The use of drones by Police Scotland can infringe human rights. An equalities and human rights assessment and a community impact assessment should be carried out prior to the use of a drone. These assessments must include consideration of whether the deployment is necessary, and if so, identify measures to mitigate the risks to the public.
<p>Police Scotland has governance in place in respect of processes prior to the deployment of a drone. Any use is subject to a site survey and an assessment of the requirement for a Community Impact Assessment. The Equality and Human Rights Impact Assessment would also form part of any deployment and is already in place.</p> <p>These assessments are designed to include whether a deployment is necessary and proportionate and in the public interest.</p>		
26	Conclusion	The Sub-Committee notes that consultation with external stakeholders for the EqHRIA and the DPIA for digital device triage systems was a transparent and informed process that provided confidence to the public. The assessments were published.

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		The Sub-Committee recommends that Police Scotland adopts this approach as 'best practice' for any future EqHRIA or DPIA for a new technology.
Police Scotland acknowledges the conclusion by the Sub-Committee and moving forward this will be considered through the Police Scotland Biometrics Governance Structure, namely the Biometrics Oversight Board and supporting sub-groups, who will ensure a transparent and informed approach is adopted as standard.		
26	Conclusion	The Sub-Committee supports the SPA and Police Scotland's proposal to adopt a human rights framework for its use of biometric data and recommends that this work be progressed for the use of drones and body worn video cameras.
Police Scotland acknowledges the conclusion by the Sub-Committee and moving forward this will be considered through the Police Scotland Biometrics Governance Structure, namely the Biometrics Oversight Board and a dedicated Ethics supporting sub-group, ensuring all ethical implications are considered and addressed for all future policy and proposals.		
26	Conclusion	The Sub-Committee recommends that the SPA assesses whether Police Scotland's deployment of drones to date is in accordance with law, in pursuit of a legitimate aim, and necessary.
Police Scotland presented the updated Operational Evaluation to the Scottish Police Authority in March 2021. Police Scotland will continue to monitor and consider assessments whilst engaging with the Scottish Police Authority. All drone deployments comply with relevant legal and ethical requirements.		
26	Conclusion	The Sub-Committee recommends that the SPA carries out periodic audits as part of its oversight function, to ensure that Police Scotland's use of drones complies with human rights requirements.
Police Scotland will continue to engage with the Scottish Police Authority and human rights requirements will be continually reviewed and progressed through the newly formed Air Support Monitoring Group.		

### Compliance with Data Protection Legislation:

Page No	Comment Type	Text
28	Conclusion	<p>The Sub-Committee agrees with the Law Society of Scotland's proposal that, if Police Scotland is to increase its use of drones and body worn video cameras, there needs to be a clear framework in place that sets out the hierarchy of use, the authorisation process, as well as the necessary monitoring, evaluation and accountability to the public.</p> <p>This framework should be informed by information gathered from the evaluations of both technologies.</p>
At present, Police Scotland has no plans to extend the use of drones however, any future development will be considered as part of the Air Support Unit strategy and considered through the newly formed Air Support Monitoring Group. The Data Protection Impact Assessment, Equality and Human Rights Impact Assessment and Code of Practice would also be updated to reflect this change.		

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Any extended use would be referred to the Scottish Police Authority and would be subject to external engagement prior to any action.		
28	Recommendation	The Sub-Committee recommends that Police Scotland adopts as 'best practice', the disposal of data that is no longer required as quickly as possible.
Police Scotland has a process in place to ensure that data, no longer required, is disposed of appropriately and in accordance with policy guidelines. This will be further supported by the new strategic oversight for new technologies in relation to Biometrics.		
28	Recommendation	The Sub-Committee recommends that the SPA amends the terms of reference for the second evaluation report to include an evaluation of Police Scotland's data protection impact assessment.
Police Scotland presented the second evaluation to the Scottish Police Authority in March 2021, this was prior to the publication of the Sub-Committee's report. The second evaluation includes best value, privacy and human rights. The Data Protection Impact Assessment in 2020 was provided to the Scottish Police Authority and the updated 2021 version will also be submitted, once complete.		
28	Recommendation	The Sub-Committee recommends that the SPA carries out periodic audits as part of its oversight function, to ensure that Police Scotland's use of the data provided by drones complies with data protection requirements.
Police Scotland will engage fully with the Scottish Police Authority and audits can be incorporated into an annual review process through the internal Air Support Monitoring Group.		

### Legal Basis:

Page No	Comment Type	Text
29	Recommendation	The Sub-Committee recommends that the SPA seeks confirmation from the Civil Aviation Authority as to whether there are different legal and regulatory implications for a police service using drones in urban and rural areas.
Police Scotland will engage fully with the Scottish Police Authority and information provided to Police Scotland from the Civil Aviation Authority around the use of drones by Police has been verified. Confirmation of Police Scotland's authorisations were shared with the Sub-Committee during its inquiry.		
29	Recommendation	The Sub-Committee recommends that the SPA seeks clarification of whether the information provided by the drones would be admissible as criminal evidence and considers whether obtaining personal data without the consent or knowledge of the person infringes the ECHR Article 6 right to a fair trial.
Police Scotland will engage fully with the Scottish Police Authority. In any instance where a drone pilot observes and thereafter records any criminal activity, it would be admissible as evidence. The same principle would apply to CCTV footage when criminality is identified.		