Dear John Eastmond,

FREEDOM OF INFORMATION REQUEST

I write in response to the above referenced Freedom of Information request submitted on the 12/04/2022, Hampshire Constabulary has now considered this request, which has been repeated below and have responded accordingly.

<table>
<thead>
<tr>
<th>Request</th>
<th>Response</th>
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<td>On Friday 26th August 2005 at 23:45 a security guard working near Southampton Airport looked east across the runway towards Horton Heath and saw many lights moving backwards and forwards over the treetops. Occasionally the lights would shine down and illuminate the trees just beyond the runway. The security guard heard no sound and the lights seemed to move with more agility than helicopters. Also there was no sign of flashing aircraft anti-collision lights. The lights could have been attached to drones although in 2005 commercial drones were probably too unsophisticated to explain the phenomenon.</td>
<td>Hampshire Constabulary can neither confirm nor deny that it holds any information relating to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions: Section 31(3) Law enforcement; Further information can be found below.</td>
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Was there any police activity, possibly involving helicopters or drones, taking place near Southampton Airport on the night of 26th/27th August 2005?
Section 31(3) is a qualified, prejudice based exemptions and require evidence of harm and a public interest test to be carried out before they can be relied upon.

**Evidence of Harm:**

Confirming or denying the specific circumstances in which the police service may or may not deploy drones/helicopters, would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on law enforcement.

**Public Interest Test**

**Factors favouring Confirming or Denying for Section 31**

Confirming or denying whether any other information is held regarding the covert use of drones would provide an insight into Hampshire Constabulary. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

**Factors against Confirming or Denying for Section 31**

Confirming or denying that any other information is held regarding the covert use of drones for surveillance would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

By confirming or denying whether any other information is held in relation to the use of drones would hinder the prevention or detection of crime. Hampshire Constabulary would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation’s security arrangements so confirming or denying that any information is held, may reveal the relative vulnerability of what we may be trying to protect.

**Balance test**

The security of the country is of paramount importance and Hampshire Constabulary will not divulge whether any information is or is not held regarding the use of drones if
to do so would place the safety of an individual at risk and undermine compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that Hampshire Constabulary is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of drones in any covert capacity is a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding the use of drones is not made out.

However, this should not be taken as necessarily indicating that any information that would meet any future request exists or does not exist.

COMPLAINT RIGHTS

If you are dissatisfied with the handling procedures or the decision made by Hampshire Constabulary, you can lodge a complaint with the force to have the decision reviewed within 2 months of the date of this response. Complaints should be made in writing to the Public Access office at the address at the top of this letter.

If, after lodging a complaint with Hampshire Constabulary, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, via telephone on 0303 123 1113 or 01625 545745 or at the website www.ico.org.uk

Yours sincerely

Rosie Gaunt
Public Access
Joint Information Management Unit