

Tim Maidstone

Your Ref:

Our Ref: FOI/114/2022

Dear Mr Maidstone

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

You requested the following information:

"Please can you provide:

Drone operations manual

Drone standard operating procedures

CAA approval(s)"

Our response:

Please see attached document.

Section 40 of the Freedom of Information Act (**Personal Information**) is applicable to part of your request as the content contains personal information including names, contact details and operator identification. This information has been redacted.

Section 40 (2) Data Protection of the Freedom of Information Act 2000, is an absolute exemption and the disclosure of the information would contravene the Data Protection principles.

- (1) *Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject*
- (2) *Any information to which a request for information relates is also exempt information if: -*
 - (a) *It constitutes personal data which does not fall within subsection (1).*

We are also required to satisfy one other condition in the Data Protection legislation, which on this occasion is **Section 40 (3A)**: -

Section 40 (3A) - *The disclosure of the information to a member of the public otherwise than under this Act: -*

- (a) *Would contravene any of the data protection principles, or*
- (b) *Would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.*

Also, The disclosure of the information we hold would breach principle Article 5 (a) – processed lawfully, fairly and in a transparent manner. The disclosure of the information would not be fair or lawful to the data subject and the information is therefore exempt from disclosure.

Section 43 of the Freedom of Information Act 2000 (**Commercial Interests**) of the Freedom of Information Act 2000 is applicable to 'Appendix B Insurance Schedule' included in the attached document.

Section 43 (2) Commercial Interests; Information is exempt information if its disclosure under this Act would, or would be likely to; prejudice the commercial interests of any person (including the public authority holding it). This is a Qualified exemption (meaning a Public Interest Test must be carried out).

The Public Interest Test - The reason why the public interest favours withholding the information is because the information is deemed to be commercially sensitive to Merseyside Fire and Rescue Service. The disclosure of such information is not deemed to be in the public interest as it may prejudice the commercial interests of those concerned (e.g. the insurance cover provided to MFRA).

We are particularly mindful that the Act works on an 'applicant blind' basis and that by providing information to one person we then set a precedent for making it available to anyone else who asks for it.

If you have any queries or concerns, please do not hesitate to contact the Director of Strategy and Performance on the above numbers.

If you are dissatisfied with the handling of your request please contact the Information Management Officer, Merseyside Fire and Rescue Authority Headquarters, Bridle Road, Bootle, Merseyside, L30 4YD, email foiteam@merseyfire.gov.uk.

You can also contact the Information Commissioner at:

*Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF*

Telephone: 0303 123 1113

<http://www.ico.org.uk>

Yours sincerely

Sue Coker
Information Management Officer