Small Unmanned Aircraft Systems Group Policy

'Drone'

Version:	**1**	**Approved by:**	**Executive Management Team**
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Policy reviewer:	**Partnership Consultant**	**Policy owner:**	**Head of Progress**
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1. Purpose

1.1 This policy covers our use of *Small Unmanned Aircraft Systems (SUAS)*, also known as a *drone*, and is one of two that cover the use of devices or equipment which come under the wider heading of 'CCTV'. The other policy is *CCTV Policy: Overt systems for Surveillance.*

1.2 This policy outlines:

a. When we would deploy our drone
b. How we will deploy and manage our drone
c. How we will meet legislative requirements and good practice
d. How we manage, store and use the images captured
e. Our commitment to data protection

2. Definitions

2.1 *CCTV* – 'Closed-circuit television' or 'video surveillance'; when a video camera is used to transmit a signal. Previously, images were only transmitted to a specified location i.e. CCTV control room. This description now includes both stationary (as above) and portable digital technology which can capture stationary images, 'live' stream footage to any online platform, access/send images to/from a remote location etc.

2.2 *SUAS* – Small Unmanned Aircraft Systems, also known as a *drone*, operated remotely.

2.3 *SUA Operator* – an individual or organisation (Red Kite) who has ownership of the drone, but may not be controlling the flight. The SUA Operator does not have to be present during the drone flight, however they do still have responsibilities which are outlined in 3 below.

2.4 *Accountable Manager* – individual as identified within the Operations Manual, who signs the Manual on behalf of Red Kite (the SUA Operator) and has various responsibilities, as detailed in 3 below.

2.5 *Remote Pilot* - person who operates the drone by use of manual controls, their responsibilities are detailed in 3 below.

2.6 *CAA* - Civil Aviation Authority, the UK's specialist aviation regulator, which works to ensure:

- the aviation industry meets the highest safety standards
- consumers have choice, value for money, are protected and treated fairly when they fly

- through efficient use of airspace, the environmental impact of aviation on local communities is effectively managed and CO_2 emissions are reduced
- the aviation industry manages security risks effectively.

2.7 *Privacy Impact Assessment* – a tool for identifying and managing the risks of using the drone in a public place.

2.8 *ICO* – the Information Commissioner's Office is the UK's supervisory authority. The role of the ICO is to ensure all organisations in the UK, including Red Kite, are complying with data protection requirements and taking appropriate action when they (we) are not.

2.9 *Data controller* – individual or organisation which determines what data is collected and what it is used for.

2.10 *Data processor* – individual or organisation which processes data on behalf of the data controller, and only uses the data for what the controller has determined.

2.11 *Data Protection Officer* – is the lead staff member for data protection, who ensures our policies are up to date and adhered to, that our staff and volunteers receive training, that our projects have privacy built into their design. They will also ensure the rights of the individual are upheld and lead on investigating any breaches.

3. Responsibilities

3.1 The Head of Progress is the owner of this policy. They will ensure it is managed and implemented appropriately and that relevant staff are trained and licensed to operate the drone.

3.2 We will have specific trained staff who will operate the drone, they will ensure all legal and regulatory requirements are met whilst they are operating the drone (see SUAS Deployment Procedure for more information).

3.3 The Head of Progress will ensure this policy is reviewed every three years. They will ensure legislative and regulatory references remain relevant when the Operations Manual is renewed annually, as required by the CAA to ensure our Permission for Commercial Operations (PfCO) remains active.

3.4 The Head of Progress will ensure there is a regular review of all operating and safety procedures, which will be logged in the following circumstances (see Operations Manual and SUAS Deployment Procedure):

- Every 6 months (recorded on Amendment Record)
- Following an incident that requires a Mandatory Occurrence Report (MOR) (recorded on the Incident Log)

- Following any technical upgrades or firmware updates to the drone (recorded in the Technical Log)

3.5 We will monitor the manufacturers website for updates of software and firmware. We will check on relevant internet forums for any issues with the implementation of the new software and then we will make a decision on whether to upload the relevant update to our drone, taking any risks into consideration. Any potential risks will be discussed with the policy owner prior to an upload.

3.6 Red Kite's (the SUA Operator) responsibilities include:

a. Not permitting the drone to be flown at a height of more than 400 feet above the surface, unless CAA permission has been obtained
b. Not permitting the drone to be flown within the airfields existing aerodrome traffic zone, unless the required permissions have been obtained (see Appendix Q: Flight restrictions around aerodromes and airfields).
c. From 30th November 2019, not permitting the drone to be flown unless the Remote Pilot has been issued with an acknowledgement of competency which is valid for that flight. To obtain this acknowledgement, the Remote Pilot must pass an online test.
d. From 30th November 2019, the SUA Operator of a small drone between 250g-20kg (our drone is 1.3kg) in mass, will be required to register themselves before permitting any of their drones to be flown. Red Kite is registered.

3.7 Remote Pilot responsibilities are as follows:

a. The Remote Pilot can fly the drone only if they are reasonably satisfied that the flight can be safely made.
b. The Remote Pilot is directly responsible for ensuring that the aircraft is flown safely.
c. The Remote Pilot must not fly the aircraft out of his/her sight in order to ensure that collisions can be avoided.
d. The Remote Pilot must adhere to all other relevant articles of the Air Navigation Order 2016, for instance restrictions on height limits, ensuring the drone is kept within visual line of sight and avoiding restricted airspace i.e. near airports.
e. From 30th November 2019, before flying a drone of 250g-20kg (our drone is 1.3kg) in mass, the Remote Pilot will be required to obtain a valid acknowledgement of competency from the CAA. To obtain this, the remote pilot must pass an online test.

f. From 30th November 2019, before flying a drone of 250g-20kg (our drone is 1.3kg) in mass, the remote pilot must ensure the small drone operators registration number is affixed to the drone and that the SUA Operator has a valid certificate of registration.

4. Legal and Regulatory Framework

- General Data Protection Regulations (GDPR)
- Data Protection Act 2018
- Civil Aviation Act 1982
- Air Navigation Order 2016
- Civil Aviation Authority: CAP 1763 Air Navigation Order 2018 and 2019 Amendments – Guidance for Small Unmanned Aircraft Users, February 2019
- Aviation and Maritime Security Act 1990
- Home Office: *Surveillance Camera Code of Practice*, June 2013
- Information Commissioner's Office: CCTV Code of Guidance
- Regulator of Social Housing: Regulatory Standards
- Protection of Freedoms Act 2012: Surveillance Camera Code of Practice
- Human Rights Act 1998
- European Convention on Human Rights, Articles 7 and 8

5. Policy Statement

5.1 We voluntarily adopt the 12 Guiding Principles stated within the Home Office: Surveillance Camera Code of Practice (from the Protection of Freedoms Act), these are:

1. *Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.*
2. *The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.*
3. *There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.*
4. *There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.*

5. *Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.*
6. *No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.*
7. *Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.*
8. *Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.*
9. *Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.*
10. *There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.*
11. *When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.*
12. *Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.*

6. Using the Drone

6.1 When we will deploy the drone

a. We will use our drone for the following purposes:

i. Repairs

- To view images of our properties when surveying areas requiring repair, renewal or replacement, which would otherwise only be accessible by erecting scaffolding or the use of a ‘cherry picker’ i.e. roofs, gutters
- To capture images and/or footage for conveying repair works required to contractors

- To capture images and/or footage for the purposes of asset management

ii. Planned Works
- To capture images to record the progression of planned works for the purposes of monitoring contractor compliance and sharing progress with our customers or stakeholders.
- To capture images and/or footage to convey site information to the contractor
- To capture images and/or footage for promotional videos

iii. Development sites
- To capture images and/or footage to record the progress of our developments as we build new homes for customers
- To capture footage and/or images for the purposes of monitoring the progress of the development work, sharing this with the contractor, our colleagues, Board and stakeholders
- To capture footage and/or images for promotional videos of our new or refurbished homes for potential customers to view.

iv. Community events
- To capture images and/or footage of our community events

b. The system will not be used:
- For any purpose other than that which is stated above.
- For automated decision taking.

c. If there is a need or request to use the drone for any other purpose, the Remote Pilot will carry out a Red Kite Privacy Impact Assessment to determine if this is feasible, and gain the agreement of the Head of Progress if they wish to proceed.

6.2 ***Our drone***

a. We hold a SUAS Operations Manual, in conjunction with Open Sky Consulting which provides:

i. Guidance on how to operate the drone
ii. Checklists to support our operation of the drone i.e. Pre-Site Survey, On Site Survey, Pre-Flight Survey, Risk Assessment etc
iii. Logs for all maintenance and battery checks

iv. Guidance on emergency procedures

b. Open Sky Consulting provide us with updates to regulation and legislation throughout the year, which assists us to renew our Operations Manual and our Permission for Commercial Operations from the CAA on an annual basis.

6.3 ***Deploying and Managing the drone***

a. We will follow the guidance provided within the Operations Manual and our SUAS Deployment Procedure, including but not limited to:

i. Completing a pre-site survey
ii. Completing a privacy impact assessment to minimise the impact on an individual's privacy.
iii. Completing an on-site survey
iv. Completing a risk assessment
v. Notifying neighbouring properties, in writing, at least 3 days in advance of our intention to use the drone and the reason for it. In emergency situations, we may only give up to 24 hours' notice.
vi. Completing a pre-flight check
vii. Completing a flight record log
viii. Checking the battery and maintenance logs

b. We will also ensure we have publicised our use of the drone for community events, and ask customers to contact us if they object. We will publish locations and times of the drone flights as part of this process, to enable our customers to have a better understanding of how they may be affected.

6.4 ***Managing, Storing and Using images***

a. Images will be transferred from the SD card in the drone, to be stored securely on the iMac in our secured offices, and then deleted from the SD card. Access to the iMac is limited to specific individuals.
b. Images will be time/date stamped.
c. Images will be retained depending on the reason they were captured:

i. Images/footage relating to repairs will forwarded to our Property team and be kept in OPEN Housing/WOW until the current tenancy has ended and the property becomes void, or until any recharges which need to be reclaimed are collected/ written off. All images will be deleted after this point.

ii. Images/footage relating to our planned works, refurbishment or new development schemes will be kept in WOW/Keystone to be used as part of Board reports, Annual General Meeting reports, for stakeholder events and customer updates. Also for the purpose of promoting and/or marketing our new developments or refurbished homes to potential customers. These images/footage will be kept for a maximum period of 6 years.

iii. Images/footage from community events will be saved on the iMac and any still images or videos developed may be uploaded to our websites or YouTube page. These will be kept for a maximum of 6 years on these platforms.

d. We will upload a collection of images/footage from our development sites to the Red Kite Group YouTube page to evidence achieving our commitment to our customers, and to demonstrate we are providing new or refurbished homes to the local community, and to attract new customers to the Group.

6.5 ***Access to images***

a. The use of the drone will primarily be for the purpose of capturing images/ footage of our assets - buildings and land. These captured images/footage will not be subject to the Data Protection Act.

b. These images are our property and will not be disclosed to third parties unless there is a specific business requirement i.e. repair.

c. For those occasions when we will be deploying the drone at community events, and will therefore be capturing images and/or footage of individuals, we will be subject to the Data Protection Act. We will publicise as widely as possibly where (location) and when (times) we will be using our drone as part of the publicity and invitations to events. We will request customers complete consent forms where relevant. We will not share images, even for the purpose of promoting an event, without an individual's consent.

d. We do not store any images of individuals where they are inadvertently caught whilst we are capturing footage or images of our buildings or land. Any images of identifiable individual's inadvertently captured will be deleted as soon as practical.

e. Where we will be capturing images/footage at community events, we will do our utmost to inform attendees prior to the event (on publicity material, invitations, online) and obtain the consent of individuals where necessary.

f. If an individual believes their image has been captured without their consent, they should contact our Data Protection Officer via email on dataprotection@redkitehousing.org.uk, stating clearly the location, time, date and provide a photograph of themselves so we can identify them in the footage.

g. Our Data Protection Officer will follow the *Subject Access Request* process in managing the request.

6.6 ***Data protection***

a. We have notified the ICO we are a Data Controller, in that we make decisions on how the system is used and information managed, and we renew this notification annually.
b. We are the Data Processor, as we operate the system and manage the information collected.
c. We have conducted a Red Kite Privacy Impact Assessment for the use of the drone, and we will complete a shorter privacy impact assessment upon each request for deployment.
d. We abide by the data protection principles outlined within the Data Protection Act 2018.
e. Red Kite Community Housing, Twenty11 (Homes), Edenmead and Pennvale are not subject to the Regulation of Investigatory Powers Act 2000.
f. Our Data Protection Officer provides regular updates and training to all staff, and oversees both internal and external audits which review our processes for breaches and good practice.

7. Misuse of a drone

a. The Air Navigation Order lays out general safety rules for drone use:
   - A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft; and
   - A person must not cause or permit an aircraft to endanger persons or property.

   These offences can lead to a five-year prison sentence, or an unlimited fine, or both, for the Remote Pilot.
b. Under the Aviation and Maritime Security Act, intentional use of a device to commit an act of violence at an internal airport which causes or is likely to cause death, serious personal injury and endanger safe operations could result in a penalty of life imprisonment, this applies to both the Remote Pilot and Accountable Manager, who has responsibility on behalf of Red Kite.
c. Small SUA Operators or Remote Pilots breaking the requirement to maintain direct, unaided visual contact with the drone to ensure the above does not happen, could face a fine of £2,500.
d. If a drone is equipped with a camera:
   - It must not be flown within 50m of a person or buildings, and

- It must also not be flown within 150m of densely populated areas.

Red Kite have CAA permission to use our drone in these circumstances.

e. The Remote Pilot and SUA Operator must not allow any article or animal to be dropped from the drone as to endanger persons or property.

f. All drones are restricted to flying below 400 feet and within the boundary of an airport and aerodrome restricted zone (see 8.h). These offences can lead to a fine of £2,500, for the Remote Pilot and Red Kite.

g. From 30th November 2019, owners of drones weighing 250grams or more (our drone is 1.3kg) will be required to register with the Civil Aviation Authority (CAA) and Remote Pilots will be required to take an online safety test. Failure to comply can lead to a fine of £1,000 for Red Kite. We are registered.

8. Safety

a. Our overriding goal is to avoid any injury, distress or damage to people, animals or property at all times.

b. Our key principles in relation to safety are:

i. Red Kite has responsibility for ensuring all staff are trained, or briefed as necessary (see Operations Manual for more information)

ii. The Remote Pilot takes overall responsibility for the safe operation of the drone and the platform at all times when on deployment.

iii. The RP is directly responsible for ensuring that the drone is flown safely.

iv. The RP must not fly the drone out of their sight in order to ensure that collisions can be avoided.

v. Everyone has a responsibility in relation to safety and all staff are expected to report any occurrence that they believe did, or could have, compromised safety.

vi. All incidents will be reported to the Accountable Manager (as named within the Operations Manual), including those deemed to be minor.

vii. The Accountable Manager will ensure the correct reporting procedures as detailed within the Operations Manual, are adhered to.

viii. The Accountable Manager will review the Incident Log and implement any changes in procedures as a result. All changes will be communicated to staff and must be acknowledged by staff.

c. If an incident does occur, we will investigate the circumstances which led to it and determine how to prevent similar incidents from occurring. Incidents or potential incidents, which do not require a Mandatory Occurrence Report (MOR), but would benefit other organisations in terms of learning or good

practice, will be reported through the various drone forums as instructed within the Operations Manual (see Operations Manual).

d. Certain incidents *must* be reported to the CAA. The Civil Aviation Publication 382 [ECCAIRS] describes the necessary processes which relate to incidents, accidents and investigations (see Operations Manual for more information).

   i. All reportable occurrences must be reported to the CAA online or via the 24 hour CAA Accident/Incident reporting line, by the Accountable Manager.

   ii. Reportable occurrences are categorised as '*any incident which endangers, or which if not corrected, would endanger an aircraft, its occupants or any other person*.'

   iii. Occurrences that relate to the drone may include but are not limited to:
      - Loss of control/data link – where the loss resulted in an event that was potentially prejudicial to the safety of other airspace users or third parties
      - Navigation failures
      - Staff resource management failures/confusion
      - Structural damage/heavy landings
      - Remote Pilot, drone programming or configuration errors
      - Fire
      - Any incident that injures a third party

   iv. In circumstances involving unexplained loss of control of the drone, a temporary suspension of operations will be put in place, except for test flights by the Remote Pilot.

e. Our drone is below the 20kg limitation and we therefore do not require a Certificate of Airworthiness.

f. We have renewed our annual Permission for Commercial Operations (PfCO) from the CAA.

g. The completion of the checklists contained within the Operations Manual and following the guidance contained therein are an essential factor in safety awareness and reporting.

h. On 13th March 2019, the drone flight restriction zone around airports and airfields changed. The new rule states that the 1km restriction from the airfield boundary is replaced by a restriction using the airfield's existing aerodrome

traffic zone, which has a radius of either two or two and a half nautical miles and then five kilometres by one kilometre zones starting from the point known as the 'threshold' at the end of each of the airfield's runways. Both zones extend upwards to a height of 2,000 feet above the airfield. **It is illegal to fly any drone at any time within these restricted zones unless you have permission from air traffic control at the airport or, if air traffic control is not operational, from the airport itself (see Appendix Q: Flight restrictions around an aerodrome or airfield).**

i. The Drone Assist app from Drone Safe supported by NATS (previously National Air Traffic Control Services) or the website www.dronesafe.uk, shows up to date safety information about airspace over the UK and we will refer to this upon each request.

9. Training

a. All staff members attending a deployment will receive a detailed safety briefing from the Remote Pilot, prior to the deployment.
b. All staff who may regularly accompany the Remote Pilot - may be referred to as 'observers' - will receive initial and then annual refresher training as required (see Operations Manual for details).
c. Our Remote Pilot will obtain a valid acknowledgement of competency from the CAA as part of our PfCO.
d. All training will be recorded in the Operations Manual Staff Training Log, as part of each individuals Development Log as part of GROW, as well as our corporate training records.

10. Product Standards

a. There is much discussion and joint working both national and international around product standards. We will work with Open Sky Consulting, check the manufacturers website, the CAA website and online drone forums, to remain abreast of any changes.
b. The following organisations are working on product standards:
    i. The Department for Transport, the Home Office and the Department for Business, Energy & Industrial Strategy
    ii. The European Aviation Safety Agency (EASA)
    iii. The International Organisation for Standardisation (British Standards Institution (BSI) committee members represent the UK)
c. There is specific work being undertaken in the following areas:

i. Geo-fencing, software and data which is contained within a large proportion of commercially available drones, which can restrict it from flying in certain areas i.e. airports.
ii. The Department for Transport has proposed there should be mandatory identification on all aircraft in UK airspace.
iii. The EU's product standard requirement is expected to come into force in 2022 and will require all new drones coming onto the market to be electronically conspicuous (aircraft with electronic conspicuity equipment can actively signal their presence to other airspace users and receive signals which can alert the Remote Pilot to other aircraft in the vicinity, enabling the Remote Pilot to see that aircraft and take action to avoid it).

11. References

- Information Commissioners Office: *In the picture: A data protection code of practice for surveillance cameras and personal information*, Version 1.2, 20170609
- Home Office: *Surveillance Camera Code of Practice*, June 2013
- Department for Transport: *Taking Flight: The Future of Drones in the UK Government Response, Moving Britain Ahead,* January 2019
- House of Commons Library: *Briefing Paper Number CBP 7734*, 11 February 2019, Civilian drones
- *Red Kite Community Housing: Small Unmanned Aircraft Systems Operations Manual*, Issue 2, 24 May 2018
- Red Kite Group Privacy and Data Protection Policy

12. Related Policies, Procedures or Documents

- Red Kite Group Privacy and Data Protection Policy
- Red Kite Group IT Policies
- Red Kite Community Housing Small Unmanned Aircraft Systems Operations Manual
- Red Kite Group Subject Access Request process
- Small Unmanned Aircraft Systems (drone) Deployment Procedure
- Red Kite Group Privacy Impact Assessment
- Civil Aviation Authority Air Navigation Order 2016, Permission – Small Unmanned Aircraft / Small Unmanned Surveillance Aircraft – Sub 7kg
- Red Kite Group Record Storage, Retention and Disposal Policy