



## Procedure for the Use of Drones (Unmanned Aerial Vehicles (UAVs)) by the County Council

### *At a glance ...*

- Any operation of drones undertaken by Nottinghamshire County Council must be carried out safely and in accordance with regulatory requirements.
- The Council will have regard to relevant legislation and Codes of Practice in its use of drones.
- The Place Department has responsibility for coordinating the appropriate and safe use of drones. The Department has nominated a Senior Responsible Owner and Single Point of Contact for use of drones by the County Council.
- Any business area proposing to make use of a drone must complete a risk assessment and seek advice from the Single Point of Contact in the Flood Risk Management Team (or their nominee). This must be done at the earliest opportunity and well before the purchase or use of a drone.
- Any proposal to use a drone must be approved by a senior manager (at Group Manager level or higher) following consultation with the Single Point of Contact in the Flood Risk Management Team and completion of a risk assessment.
- If the proposed use of drones involves the capture of personal data, or there is a high likelihood of personal data being captured collaterally, advice must be sought from Information Governance. Evidence of the advice given will form part of drone flight records held.
- Drones must only be operated by approved, qualified drone pilots.
- Before commencing use of a drone, the Council must determine if Civil Aviation Authority permission is required. If it is, this must be applied for and approved before operations can start.
- Appropriate health and safety measures (including a risk assessment as required by the Civil Aviation Authority (CAA)) must be followed at all times when operating drones.
- Drones must not be used for any purposes not covered by the corporate drone insurance policy.
- Images and video footage captured by a drone are subject to the Data Protection Act 2018 and the articles of the Human Rights Act regarding the right to privacy.
- Where possible, individuals affected must be informed that drone filming is due to take place.
- Any covert use of drones must be in accordance with the [Regulation of Investigatory Powers Act \(RIPA\)](#) and [guidance on secret \(covert\) surveillance](#).

## **Background**

1. Drones (also referred to as Unmanned Aerial Vehicles or UAVs) are machines that are remotely controlled by a person on the ground. Typically, they are used to obtain video footage of land or property but may also have other uses. Drones have the potential to provide valuable advantages when carrying out Council operations.
2. The Place Department has responsibility for coordinating the appropriate and safe use of drones, particularly those acquired by the Department for wider corporate use.

## **Purpose**

3. The purpose of this procedure is to ensure that any drone operation undertaken by the County Council (NCC) is carried out safely and in accordance with regulatory requirements.

## **Scope**

4. This Procedure applies to all NCC services and staff considering making use of a drone on behalf of the Council. This also includes employing a third party to operate a drone on the Council's behalf.
5. It covers all use of drones on NCC sites, and any NCC use of drones on sites owned by an external party, indoors or outdoors.
6. It does not cover use of drones by third party organisations on County Council land, unless that third party has been employed by the Council to fly a drone on NCC's behalf.

## **Principles and Commitments**

7. The Council is committed to ensuring that the use of drones is necessary, proportionate and safe.
8. Any member of staff considering the use of drones will read and familiarise with this document and its requirements.
9. The decision to make use of a drone will be made at a senior level (Group Manager or above) following consultation with the Single Point of Contact (SPoC) in the Flood Risk Management Team (or their nominee).
10. There will be a designated Senior Responsible Owner and Single Point of Contact for Drone use, nominated by the Place Department.

## **Basic Requirements**

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11. All operation of drones must be in line with Civil Aviation Authority (CAA) requirements and in accordance with the [Drone and Model Aircraft Code](#).
12. Drones must only be operated by a trained, qualified and registered drone pilot. This may be an NCC member of staff, or an external individual hired by NCC.
13. Before any operation of drones commences, NCC must review whether permission from the CAA is required and make an application if required. Whether permission is needed will depend on the proposed use of the drone. (For more details, see the CAA page on [permission for commercial operations](#)).
14. Each individual flight will be logged by the Flood Risk SPoC (or their nominee), recording the time, location, pilot and business area responsible.

### **Considerations before using a drone**

15. All staff considering making use of a drone in order to support NCC activities must consider the questions below:
  - What will the drone be used for?
  - What benefits are there to making use of a drone?
  - Are there any other ways of achieving the same outcomes and, if so, why they aren't they being used?
  - How often will the drone be used?
  - Will the drone be used to capture identifiable images of individuals?
  - Will the drone be used for overt or covert surveillance of individuals?
16. The Flood Risk team have purchased a number of drones for use by NCC. In addition, they will coordinate the training and provision of qualified pilots. Unless there is a strong justification otherwise, all staff must use a drone and pilot provided by this team.
17. Any third parties contracted to provide drone services must be made aware of this procedure and confirm that their own procedures meet the County Council's standards.
18. All staff considering using a drone must contact the Flood Risk SPoC (or their nominee) who will assist in assessing the need for a drone and ensuring all legislative requirements are met prior to its use.
19. Before commencing the use of a drone, a risk assessment must be completed and reviewed by the Flood Risk SPoC (or their nominee).
20. In addition, if the proposed use of drones includes processing personal data, or a high likelihood that personal data will be captured in passing, advice must be sought from the Information Governance Team. The

response from the Information Governance Team must then be submitted to the Flood Risk SPoC alongside the risk assessment.

## **Health and Safety**

21. Appropriate health and safety procedures must be followed at all times when making use of drones. A risk assessment must be undertaken each time a drone is used at a site for the first time.

### Before use:

- a) All drone operations should be treated as hazardous work. A risk assessment should be carried out before commencing use of a drone;
- b) Drones must only be operated by a CAA permitted pilot/organisation, with all relevant qualifications and training.
- c) Permission of the property owner/manager must be obtained before a drone is operated on private land/property. This includes NCC owned property.

### During use:

- d) The person in charge of the drone may only fly it if reasonably satisfied the flight can safely be made.
  - e) They must maintain direct, unaided visual contact with the drone at all times, sufficient to monitor its flight path in order to avoid collisions.
  - f) The person in charge of the drone must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
22. Further restrictions will apply depending on the class of drone in use and the purposes for which it should be used. Advice on this must be sought from the Flood Risk SPoC (or their nominee) during the planning stages.

## **Privacy and data protection**

23. Images and footage captured by a drone are subject to the Data Protection Act 2018 and the articles of the Human Rights Act regarding the right to privacy.
24. Where possible and appropriate, individuals who may be affected should be informed that drone filming is to take place. This includes:
- Signage indicating a drone is in use, clearly labelled as belonging to NCC
  - Operators wearing high visibility clothing or uniform indication that they are operating a drone and are working on NCC's behalf
  - In some cases, it may be appropriate to notify individuals in advance that a drone will be used – for example, informing attendees at an event that drone filming is planned at a particular time
25. If a drone is to be used for any purposes which would qualify as covert surveillance – that is, monitoring the activity of individuals without notifying

them that they are being monitored – this must be done in accordance with the Regulation of Investigatory Powers Act (RIPA). The [NCC policy on covert surveillance](#) must be followed, which will include applying to a magistrates court for authorisation. **Legal advice must be sought prior to undertaking any covert surveillance by whatever means.**

26. Drone footage may be subject to access to information rights under the Data Protection Act 2018 (DPA 18) and/or the Freedom of Information Act 2000 (FOIA). The County Council's [Surveillance Camera\(CCTV\) Procedure](#) contains a section on 'handling requests for information' and this should be referred to in the first instance if requests for drone generated video footage is received.

### **Risk and Insurance**

27. Given the nature of drone use, insurance is likely to be an essential part of risk management. It will provide financial compensation if the safety management system has failed to prevent an accident or incident which results in loss or harm to people or property.
28. Risk and Insurance have taken out a general policy covering all use of drones by NCC. Proposals to use drones for purposes not covered by the insurance policy will not be approved.

### **Roles and Responsibilities**

29. All Council staff considering the use of drones, using drones or authorising the use of drones, must comply with this Procedure.
30. Managers and supervisors are responsible for ensuring all considerations outlined in this Procedure have been taken account of before commencing use of a drone, and for ensuring the safe and lawful use of the drone once in operation.
31. The Senior Responsible Owner (SRO) for the use of drones will be appointed by the Place Department. Their role will be more strategic in nature and will include:
- Ensuring compliance with this Procedure.
  - Periodically (at least every two years), reviewing this Procedure to ensure that it remains fit for purpose and in line with legislative developments and good practice.
  - Appointing a Single Point of Contact to support them in their duties.
32. The Single Point of Contact (SPOC) for the use of drones will be appointed by the Senior Responsible Owner. Their role will be more operational in nature and will include:
- Providing advice, support and guidance around the use of drones in compliance with this Procedure (including an up-to-date intranet page).

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- Maintaining all documentation required to evidence the safe and compliant use of drones by the Council in accordance with this Procedure.
  - Maintaining records of all drone flights in accordance with CAA requirements.
  - Liaising with other services where required to ensure that drone use is appropriately considered and pre-authorized (e.g. with Health and Safety, Information Governance etc)
  - Supporting the Senior Responsible Owner for drone use in their role.
  - Acting as the main point of contact for drone use in the Council.
33. The SPOC will be supported in this role by nominated members of the Flood Risk Team.
34. Information Governance will provide advice on compliant use of drones within the context of ensuring any processing of personal data is lawful under the Data Protection Act and Human Rights Act.
35. Legal Services will provide advice on compliant use of drones within the context of the RIPA and covert surveillance.
36. Health and Safety will provide advice on undertaking appropriate health and safety risk assessments prior to drone use.
37. Duties assigned to specific roles referenced in this procedure must be carried out as described.

### **Compliance with this Procedure**

38. Wilful or negligent disregard for corporate policies and procedures will be investigated and may be treated as a disciplinary matter under the relevant employment procedure(s) which could lead to dismissal or the termination of work agreements or service contracts.

### **Monitoring of this Procedure**

39. The Senior Responsible Owner will periodically monitor compliance with this procedure. It may also be the subject of internal audits.
40. The Data Protection Officer (or their nominee) may periodically monitor compliance with the IG elements.

### **Review of this procedure**

41. This procedure will be periodically reviewed by the Senior Responsible Owner (SRO) for the use of drones (or their nominee) who will revise it in line with learning arising from its implementation (particularly any experience gained from the use of drones).

42. Beyond that, the procedure will be monitored and reviewed every two years in line with legislation and codes of good practice.

### Advice, Support & Further Information

43. Further information relating to this Procedure can be obtained from:

Single Point of Contact: Callum Smith  
Email: NCCDrones@nottscc.gov.uk

44. Further reading and supporting information:

Title (as hypertext link) and publication date	Author
<a href="#">Drone and Model Aircraft Code [Oct 2019]</a>	Civil Aviation Authority
<a href="#">Regulations relating to the commercial use of small drones</a>	Civil Aviation Authority
<a href="#">ICO guidance on use of drones</a>	Information Commissioner's Office
<a href="#">Advice on drone law in the UK</a>	Notts Police

### Document Control

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Version	Date	Changes and Approver
2.0	06/10/21	Changes to revise how IG elements will be dealt with, to firm up the role of SRO and SPOC and to reference monitoring.