

Code of Practice – Addressing Privacy Concerns

Introduction

Some of the Unmanned Aircraft Systems (UAS) operated within the Wales UAS Environment, facilitated by the West Wales UAV Centre (WWUAVC), will have onboard cameras and sensors intended to provide a variety of aerial observations. It is only natural therefore, that members of the public may seek assurances regarding the use of such systems and for their privacy to be respected.

To address these potential concerns, this code of practice has been developed to set out the expectations that the WWUAVC has of its client base and the standards both clients and society may expect of the WWUAVC. This code of practice reminds UAS operators of their legal obligations and sets out acceptable policies relating to the use of cameras and other sensor equipment.

Compliance with the code of practice is not compulsory under UK law and, indeed, agreement to adhere to the stated principles within will be voluntary. That said, client adherence to the code of practice will be expected; operators found to be in violation by the appropriate authorities may be refused access to Wales UAS Environment and its facilities.

Privacy Law Status

Privacy law is the area of law concerning the protecting and preserving of privacy rights of individuals. While there is no universally accepted privacy law among all countries, some organisations promote certain concepts be enforced by individual countries. For example, the Universal Declaration of Human Rights, article 12, states *“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”*

For Europe, Article 8 of the European Convention on Human Rights guarantees the right to respect for private and family life, one's home and correspondence. The European Court of Human Rights in Strasbourg has developed a large body of jurisprudence defining this fundamental right to privacy; within the UK it is regulated by the Data Protection Act 1998 and by case law relating to unlawful publication, breach of confidence and trespass.

Key Principles of the Code of Practice

- All activities facilitated by the WWUAVC shall be conducted with due regard to environmental, societal and ethical impact.
- Clients of the WWUAVC should consider and declare any interest that, if the activity were conducted, may cause the WWUAVC or ParcAberporth to be brought into disrepute.
- Clients of the WWUAVC who operate UAS within the Wales UAS Environment do so on the undertaking that the work is conducted legitimately and any sensor data recorded shall not be used for dishonest, immoral or unlawful purposes.

The West Wales UAV Centre will:

- Ensure that the client is aware of the Code of Practice, and intends to abide by it;
- Not be responsible for the collection or holding of any sensor data.

UAS Operators will:

- Agree to conduct its operations in such a way that it accords with the Code of Practice;
- Ensure that any sensor data recorded that may be considered personal data (images of third party individuals that could be identified from the footage) is managed in accordance with the Data Protection Act 1998. In this instance the following is expected:
 - Either the Aircraft Operating Authority (AOA) or their customer/client will be nominated and identified as the requisite Data Controller;
 - The Data Controller obtaining such images should also be notified with the Information Commissioner's Office;
 - The WWUAVC may refer specific enquiries about requests from the public regarding over-flight activities to the AOA.
- Consider the purpose of any recorded images. If third party individuals are identifiable from the footage, but the Data Controller is only taking note of non-personal data before destroying or deleting the footage, then this may not be in breach of the Data Protection Act.