

PRIVACY INTERNATIONAL

While some of our laws are capable of handling the challenge of drones, others are not. Stalking via a remote controlled drone is minimally different to stalking by other methods, and current law is unlikely to require significant reinterpretation. The mechanism of oppression is irrelevant.

Some of the rules around CCTV relate to flying cameras in a similar way to a fixed camera. However, others can not possibly translate - CCTV consent and law relies on prominent signs, which are clearly impossible for a flying camera, and so that aspect of law will need fundamental reform. There is a clear benefit to the fire service having the ability to initially send a flying camera into a burning building to look for victims or damage, rather than risking a firefighter. Currently, the requirement for a line of sight between the controller and the device allows current CCTV laws to be applied adequately; the removal of that restriction will cause much wider issues. Filming of programmes from helicopters is not new.

Consider Ordnance Survey and the ongoing monitoring of "costal erosion". There is a case that can be made for the use for an unmanned flying camera to take high resolution photos of the coastline, especially in the Scottish islands. However, that coastline can also be considered beach, and when sunbathing on a warm day, individuals have a right to privacy. Societal norms will not necessarily hold with a silent drone overhead.

We're used to the Sky Newscopter following breaking news, or the PM driving down the road, but there are strong rules on helicopter flights, and pilots have an incentive to get home safely. What happens about collisions? While X-Factor should be embarrassed about crashing their drone into the Thames, it was probably by far the safest option at the time. However, between a crowd on Whitehall and the Thames, there are a few buildings containing people who would get somewhat nervous at an uncontrolled drone overhead. What happens when drones are flown in a populated environment, and there's no convenient river?

It is easy to consider drones as only containing flying cameras, or hosting missiles. They are a flying platform which can contain any type of instrument as can be physically lifted. They currently marketed as containing IMSI catchers to intercept mobile phone calls and data, they can be a wifi base station, they can contain infrared cameras, highly directional microphone arrays to single out noises/conversations, or a blade to cut through materials. Each of those could be highly useful to the fire service in an emergency situation, but somewhat different in the hands of another on the street. The privacy implications are immense.

This is a new and evolving area, and privacy implications must be paramount, but this form of complexity has been considered before. The rules about purchase of fertiliser are complex, on the basis that the amount you need for a farm, an allotment, or a bomb can be differentially managed. Policy can deal with this, but a moral panic is best avoided. But privacy issues must be considered, fundamentally, as part of a nuanced discussion involving all interested parties.

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