

Submission 7 – Murray Hogarth

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SUBMISSION ON DRONE-PRIVACY-GUIDELINES *DON'T PRY WHEN YOU FLY* (JUNE 2023)

Introduction

My comments are from the point of view of a recreational model aircraft hobbyist. The model aircraft (including racing/freestyle quadcopters) that I fly often utilize cameras for FPV (first-person view) that are either necessary to properly fly the aircraft/quadcopter or enhance the experience of flying. As RPA (remotely piloted aircraft), these model aircraft are caught up in the general category 'drone' used in the guidelines. Myself and other hobbyists often record the video (which may include sound) so that we can view our flights at a later time in order to improve our skills and share the experiences of our hobby.

It should be noted that the recording equipment in our model aircraft/quadcopters is not suited to surveillance and it is doubtful that they could be categorized as surveillance devices. The resolution of the cameras currently used is not sufficient to identify a person's face beyond a few metres. The sound recording is intended to record engine and propeller noise and this is all that can be heard during flight. It would be impossible to record any sound coming from a person or object away from the aircraft/quadcopter.

General Comments on the guidelines

The overall approach to the guidelines is somewhat flawed in that it does not exhibit a very good understanding of 'drones' and does not focus on activities with higher potential to compromise personal information. It would have been better to provide a more complete set of guidelines (not restricted to 'drones') for recording devices and systems capable of being used as surveillance devices generally. This would have excluded most 'drones', which don't have much capacity for recording personal information in the first place.

I provide some specific comments in relation to the guidelines below.

1. Although I am sure that the authors of the guidelines had good intentions in their preparation of the guidelines, I am not sure that the guidelines provide very useful information to any of the groups that use 'drones'. This is largely due to the broad categorisation of "drones" that covers a range of video audio recording capabilities, so that the guidelines are either irrelevant, or too generic to be useful. At one end of the scale there are model aircraft/quadcopters of the type that I fly that are unsuited to, and generally incapable of, recording personal information. For the pilots of these aircraft the guidelines are largely

irrelevant, although the references provided to various privacy legislation may be a useful resource for me in the future. At the other end of the scale are commercial operators that are recording video for general broadcast. Clearly these operators should already be very familiar with dealing with privacy (e.g. getting privacy waivers for members of the public that are recorded). The guidelines are much too generic and broad to be of much use to this category of operators. In the middle are people and families that may use cinematic video quality drone platforms to record holidays or scenic vistas. This group is simply an extension of the class of amateur photographers and the fact that they use a 'drone' does not significantly increase their scope to record personal information. The fact that their cameras are higher than a hand held-camera is offset by the fact that hand held cameras have much better optics and higher resolution at greater distances (that could also be used from elevated places such as hills). For this group, once again the guidelines provide largely unhelpful information, i.e. information that either an amateur photographer should already know or reference to commercial operations that are not applicable.

2. The title of the guidelines paper is suggestive of the flawed mindset that went into its preparation. *Don't pry when you fly* suggests that many 'drone' pilots take to the air intending to spy on others and collect personal information. Given that almost none of them actually have this intent, either the authors don't really understand who flies 'drones' or the authors just wish to deliberately insult them. Perhaps this mindset stems from sensationalist reporting when 'drones' first became widespread and which has since disappeared when it became obvious that even the most hormonally affected teenage boy would not find a drone much use in recording personal information. Regardless, the use of such a title for the guidelines is a good way to put off your intended audience.
3. It is odd that the guidelines specially exclude "Other recording devices such as dash cameras, or in-vehicle devices..." when these are actual surveillance devices designed with the intent of collecting private information (license plates and identification of other drivers). Clearly, such devices have a much greater need for guidelines than most 'drones'.
4. Case study 4 provides yet another example of how 'drone' photography is somehow considered by the authors much more intrusive than other photography. As such, the proposed actions for the affected party seem out of proportion to the use of other types of cameras.

Case study 4 refers to "*I think I have been recorded by a drone whilst at a public park, what can I do to prevent my information from being used?*" It goes on to suggest that the person contact the drone operator and if consent for recording is not given that the data must be deleted. Firstly, the information in this case has been captured in a public park not a private place and so lesser protections for privacy are generally assumed and accepted by the community. Furthermore, the use of a 'drone' in such a setting (open public space) does not confer any significant advantage (via height) than a hand-held camera so it would be reasonable to assume that the case study should apply to any hand-held camera. Given this, let us consider what a reasonable person might do if they were recorded in the background of a photograph taken by another park user, using a hand held camera or a smart phone camera. In most cases, I doubt that the recorded person would take any action. They would certainly get a very negative reaction from the other park user if they demanded that the recording be deleted. Nowadays most people in a public setting, for better or worse, are not concerned about being photographed by other people or directly surveilled by various government agencies.

So the case example promotes a more antagonistic approach than most people would consider necessary simply on the basis that the camera system is in a 'drone'.