

Policy on Directed Surveillance and use of Covert Human Intelligence Sources

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AUTHOR(S)	Borough Solicitor and Assistant Solicitor - Information Management and Corporate Governance

AMMENDMENT SHEET

Amendment Number	Details	Amended By	Date
Version 1	Policy 31.8.04 updated 11.12.06		
Version 2	Updated	Alex Jack – Borough Solicitor Nicola Thurloway – Assistant Solicitor	March 2010
Version 3	Updated in accordance with Revised Code of Practice	Alex Jack – Borough Solicitor Nicola Thurloway – Assistant Solicitor	April 2011

POLICY ON DIRECTED SURVEILLANCE AND USE OF COVERT HUMAN INTELLIGENCE SOURCES

1. INTRODUCTION

- 1.1 In some circumstances it may be necessary for Council employees in the course of their duties to make observations of persons in a covert manner (i.e. carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place) or to use covert human intelligence sources. By its very nature, that sort of action is potentially intrusive and could expose the Council to a legal challenge as a potential breach of Article 8 of the European Convention of Human Rights, which establishes a “right to respect for private and family life home and correspondence”, incorporated into English Law by the Human Rights Act 1998. Also, there is a risk that if covert surveillance and covert human intelligence sources are not conducted properly the evidence obtained may be held to be inadmissible in court on the basis that it is unfair to use it as it was gathered contrary to Article 8 – right to privacy and infringes the defendants right to a fair trial as guaranteed by Article 6 – right to fair trial.

2. OBJECTIVE

The objective of this policy is to ensure that all covert surveillance carried out by Council employees including any involving covert human intelligence sources is carried out in accordance with the law.

Indeed RIPA recognises the Council’s right to infringe an individual’s right to privacy where any covert surveillance can be shown to be both necessary and proportionate and where it has been authorised by an appropriately designated officer within the organisation. Thus it is important to note that the requirements of RIPA provide protection for both the Council and the individual officers involved and should not be viewed as a mere exercise in bureaucracy

When carrying out such surveillance or using such sources officers should also bear in mind the **Codes of Practice** on Covert Surveillance and the Code of Practice on Human Intelligence Sources issued by the Home Office.

3. SCOPE AND DEFINITIONS

- 3.1 This policy applies in all cases where “directed surveillance” is being planned or carried out and “covert human intelligence sources” are used or planned to be used.

- 3.2 Directed surveillance is defined as surveillance which is covert, but not “intrusive” and undertaken:

- for the purposes of a specific investigation or specific operation
- in such a manner as is likely to result in the obtaining of private information about a person (whether or not the person is specifically identified for the purposes of the investigation or operation).

- 3.3 Directed surveillance does not include surveillance which is an immediate response to events or circumstances where it is not reasonably practicable to obtain an authorisation as set out in this Policy.
- 3.4 Directed surveillance does not include intrusive surveillance. Surveillance becomes intrusive if the covert surveillance is carried out in relation to anything taking place on any residential premises or in a private vehicle and involves the presence of an individual or surveillance device on the premises or in the vehicle. The Council does not have the power or ability to authorise intrusive surveillance.
- 3.4 To fall within the meaning “use of a covert human intelligence source” there must:-
- be a source, and
 - the use of that source must be covert

A person is a “source” if they establish or maintain a personal or other relationship with someone else for the covert purpose of:-

- using the relationship to obtain information or to provide access to any information to another person, or
- covertly disclosing information obtained by the use of or as a consequence of the existence of such a relationship

In everyday language a “source” is an informant or officer working undercover. The other party to the relationship with the source must be unaware of the use or disclosure of information obtained as a result of the relationship.

4. **NEED FOR AUTHORISATION**

- 4.1 Whenever it is proposed to conduct directed surveillance or to use a covert human intelligence source an authorisation should be sought under Part II of the Regulation of Investigatory Powers Act 2000.

5. **GENERAL RULES OF AUTHORISATIONS**

5.1 Necessity and Proportionality

An authorisation should not be granted unless the directed surveillance/use of covert human intelligence source is both necessary and proportionate.

In terms of **necessity**, the directed surveillance/use of covert human intelligence source must be considered to be necessary to the operation on the following ground:-

- for the purpose of preventing or detecting crime or of preventing disorder
- The Authorising Officer should consider whether the information desired can be elicited by overt means rather than by way of covert surveillance.

Even if the proposed activity is considered to be necessary, the person considering the application for authorisation must consider whether the activities are also **proportionate**.

The following elements of **proportionality** should therefore be considered;

- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- Evidencing, as far as reasonably practicable, what other methods have been considered and why they were not implemented.

The proposed activity will not be proportionate if:-

- the intrusiveness is excessive in relation to the value of the information to be obtained, or
- the information sought could be obtained by less intrusive means

Where an individual is suspected of claiming a false address in order to abuse a school admission system operated by the Council it is likely that a RIPA Authorisation is not necessary as less intrusive and overt means could be explored to obtain the information required.

The Authorising Officer should consider the issue of proportionality with particular care in relation to relatively minor offences, such as littering, leaving waste out for collection a day early or permitting dog fouling in a public place without clearing it up. It will be very rarely appropriate to use covert surveillance in relation to such offences; instead, other less intrusive methods such as general overt observation of the location should be used. In rare instances where such offences are especially problematic or occurring with particular frequency and the problem cannot be resolved by overt measures, RIPA authorisations may be considered appropriate but care should be taken to ensure that the amount of private information obtained is kept to the minimum necessary.

5.2 Collateral Intrusion

“Collateral intrusion” means intrusion into the privacy of persons other than those who are the subject of the investigation. Measures should be taken to minimise both the risk of such intrusion and the extent of such intrusion. An application for authorisation should consider the risk of such intrusion and the authorisation officer must take such risk into account in reaching a judgment as to whether or not the proposed directed surveillance/use of covert human intelligence source is proportionate. If the investigation unexpectedly interferes with the privacy of persons who are not covered by the authorisation, the Authorised Officer should be informed.

5.3 Management of Covert Human Intelligence Sources

An Authorising Officers should not grant an authorisation for use of a covert human intelligence source unless he/she is satisfied of the following:-

- (a) that at all times there will be an officer who will have day-to-day responsibility for dealing with the source on behalf of the Council and for the source's security and welfare
- (b) that at all times there will be another officer (senior to the officer having responsibility under (a) above) who will have general oversight of the use made of the source
- (c) that at all times there will be an officer responsible for maintaining a record of the use made of the source, and
- (d) that records maintained by the Council that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons

5.4 The safety and welfare of the source and foreseeable consequences to others should be taken into account in deciding whether or not to grant an authorisation. A risk assessment determining the risk to the source in acting as a source of information to the Council, and in particular identifying and assessing the risks should the identity of the source become known, should be carried out. The welfare and security of the source after the operation has ceased should be considered at the outset. The officer having responsibility under 5.3(a) above (i.e. the officer with day-to-day responsibility for the source) should report to the officer having general oversight any concerns about the personal circumstances of the source, insofar as they might affect.

- the validity of the risk assessment
- the conduct of the source, and
- the safety and welfare of the source

If appropriate such concerns should be reported to the Authorising Officer who will need to determine whether or not to allow the authorisation to continue.

6. **WHO CAN GRANT AN AUTHORISATION?**

- 6.1 Subject to 6.4 below, the law permits authorisations for directed surveillance and use of covert human intelligence sources to be granted by officers of at least Service Manager status.
- 6.2 A list of those officers designated as Authorising Officers is shown as **Annex A** to this document.
- 6.3 Officers should not normally authorise investigations in which they are directly involved.

6.4 In the following instances an authorisation may only be granted by the Chief Executive, and in his absence the Deputy Chief Executive (the Director of Corporate Services). Surveillance involving the:-

- (a) use of a juvenile Covert Human Intelligence Source (CHIS).
- (b) surveillance involving the potential acquisition of confidential information. Confidential information means information which is; legally privileged information, confidential personal information or confidential journalistic material.

6.5 An Authorising Officer will receive training and is not able to authorise before then. Thereafter, each Authorising Officer shall receive further training/refresher training on at least a biennial basis.

6.6 The officer, who is the Senior Responsible Officer for RIPA, as recommended in the revised Code of Practice is the Director of Corporate Services

7. THE PROCESS OF OBTAINING AN AUTHORISATION

7.1 An authorisation must be given in writing, except that in urgent cases it may be given orally. Only in the rarest of circumstances should a matter be regarded as urgent. A matter should not be regarded as urgent unless the time required to obtain a written authorisation would be likely to endanger life or jeopardise the investigation to be authorised. Unless renewed or further renewed, any such authorisation will expire 72 hours after it was granted. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the authorising officers own making.

7.2 The officer seeking an authorisation should apply through their own line management structure unless it is impracticable in the circumstances (e.g. because no Director or Chief Officer (in either case who is an Authorising Officer) in the relevant department is available).

7.3 An application for authorisation for directed surveillance should be made in the form shown in **Annex B** to this policy. An application for use of a covert human intelligence source should be made using the form shown at **Annex C**. Both the officer seeking the authorisation and the Authorising Officer shall have regard to any guidance notes issued by the Legal Section on the use of those forms.

7.4 Summarised forms of procedure for the seeking and granting of Authorisations in respect of (i) Directed Surveillance and (ii) Covert Human Intelligence Sources are shown as **Annex D** and **Annex E** respectively.

8. DURATION OF AUTHORISATION

8.1 In the case of directed surveillance written authorisations cease to have effect after three months (unless renewed). In the case of covert human intelligence sources an authorisation ceases after one month if the source is a child and one year if the source is an adult. Oral authorisations cease to have effect

after 72 hours from the time when the authorisation was granted (unless renewed).

9. REVIEW AND RENEWAL OF AUTHORISATION

- 9.1 Once granted an authorisation should be reviewed regularly to assess whether or not the investigation continues to be necessary and proportionate.

The Authorising Officer should specify how often a review should take place. The form shown as **Annex F** should be used in conducting a review of directed surveillance. The form shown as **Annex G** should be used in conducting a review of the use of a covert human intelligence source.

10. An application for renewal of an authorisation should not be made until shortly before the authorisation is due to expire. An authorisation may be renewed more than once for at least three months in the case of directed surveillance or, in the case of use of a covert human intelligence source, one year, or 72 hours for either type of operation in urgent cases where an oral renewal is sought. An application for renewal should be made to the officer who granted the original authorisation unless there is very good reason not to do so (e.g. because the original authorising officer is on annual leave). Applications for renewal should be made using the forms shown as **Annex H** (directed surveillance) and **Annex I** (use of a covert human intelligence source). Officers seeking an authorisation for renewal and Authorising Officers shall have regard to any guidance notes issued.

11. CANCELLATION AND CEASING OF AUTHORISATIONS

- 11.1 The Authorising Officer who granted or last renewed the authorisation must cancel it if he/she believes that the investigation is no longer necessary or proportionate. If the original Authorising Officer is no longer available the duty falls upon the person who has taken on that role. All authorisations should be cancelled or renewed before they cease to have effect.

- 11.2 Although authorisations cease to have effect after the relevant time expires (see paragraph 8) an authorisation should either be reviewed, renewed or cancelled before the expiration of the time limit.

- 11.3 As soon as a decision is taken to cease the operation an instruction must be given to those involved to stop the directed surveillance/using the covert human intelligence source. A form recording the cancellation should be completed. The forms to be used are shown at **Annex J** (directed surveillance) and **Annex K** (use of a covert human intelligence source) respectively.

12. ROLE AND DUTIES OF RIPA MONITORING OFFICER

- 12.1 The Council's RIPA Monitoring Officer is the Assistant Solicitor – Information Management and Corporate Governance (Nicola Thurloway) she has the following responsibilities:-

- Central responsibility for quality control of the RIPA process

- Training
- Raising awareness of RIPA throughout the Council and
- Management of records in accordance with paragraph 13 below.

12.2 Any Authorising Officer seeking guidance in authorisations or any RIPA related matter should contact Nicola Thurloway.

13. **RECORDING AUTHORISATIONS/REVIEWS/RENEWALS/ CANCELLATIONS**

13.1 The originals of forms authorising or cancelling directed surveillance or use of a covert human intelligence source should be sent in an envelope marked "Private and Confidential" to the RIPA Monitoring Officer. The RIPA Monitoring Officer shall retain all such forms for a period of not less than three years. A copy of such forms shall be retained by the relevant department for at least three years. Originals of reviews and renewals shall be retained by the relevant department together with:-

- a record of the period over which the surveillance has taken place
- the date and time when any instruction was given by the Authorising Officer

Relevant departments must ensure that any data is processed in accordance with Data Protection legislation.

13.2 In the case of use of covert human intelligence sources, records should be maintained in such a way as to preserve the confidentiality of the source and the information provided by the source.

13.3 Records to be kept in relation to Covert Human Intelligence Sources:

The following matters must be included in the records relating to each source:

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has

been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;

(g) the date when, and the circumstances in which, the source was recruited;

(h) the identities of the persons who, in relation to the source,

(i) has day to day responsibility for their security and welfare;

(ii) has oversight of the use made of the source

(iii) has responsibility for maintaining a record of the use made of the source

(i) the periods during which those persons specified in (h) above have discharged those responsibilities;

(J) the tasks given to the source and the demands made of him in relation to his activities as a source;

(k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;

(l) the information obtained by each relevant investigating authority by the conduct or use of the source;

(m) any dissemination by that authority of information obtained in that way; and

(n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

13.4 In the case of urgent authorisations granted orally, an e-mail should be sent to the RIPA Monitoring Officer within 24 hours of any such authorisation being granted giving particulars of the following:-

- the type of authorisation (i.e. whether directed surveillance or use of a covert human intelligence source)
- the date and time of Authorisation
- the name and grade of the Authorising Officer
- the unique reference number of the investigation and its title
- a brief description of the investigation and names of subjects
- whether the investigation is likely to result in obtaining "confidential information" (i.e. communications subject to legal privilege, information

relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead who can be identified from it or confidential journalism material).

NB – a written application for Authorisation must be completed as soon as possible following the oral grant and in any case within 72 hours of the oral authorisation or

- the authorisation was cancelled.

14. **CODES OF PRACTICE**

- 14.1 Two Codes of Practice have been issued by the Secretary of State relating to Directed Surveillance and Covert Human Intelligence Sources (CHIS) respectively. These came into force on 6 April 2010. Copies of both Codes are available on the Home Office website www.homeoffice.gov.uk/ripa

15 **CCTV**

- 15.1 Because CCTV is usually overt (i.e. members of the public are made aware that a CCTV system is in operation) an authorisation is not normally required for the use of CCTV material. However, there may be occasions when a covert CCTV system is used for the purposes of a specific investigation or operation in which case an application for directed surveillance may be required. The advice of the RIPA Monitoring Officer should be sought in such circumstances.

- 15.2 In the event of a Police request for directed surveillance using CCTV cameras they will need to follow their own internal procedure for obtaining authorisation in the first instance. In such cases a copy of the relevant Police authorisation should be obtained by the officer receiving the request and forwarded to the RIPA Monitoring Officer to confirm its validity.

16 Internet 'chat rooms'

Authorisations under RIPA are not ordinarily required for participating in open online chat or posting on a social networking website even where one's true identity is concealed. However, the position changes when steps have been taken to restrict access to a few known or verifiable individuals. CHIS authorisation should be obtained if steps are to be taken to develop an online relationship with other participants with a view to gathering information.

17 **NON COMPLIANCE**

- 17.1 Evidence gathered in breach of the procedures described in this document will not automatically be excluded by a Court. However the defendant may argue that reliance by the prosecution on evidence obtained in breach of Article 8 – right to privacy denies him his right to a fair trial as guaranteed by Article 6 and that the case should not proceed. In addition, the admissibility of evidence is a matter for the Courts discretion and they will decide whether the evidence is put forward in such a way that the proceedings are fair as a whole. Therefore RIPA should be complied with at all times.

17.2 Apart from the above, non-compliance with RIPA may still result in:-

- a claim against the Council for a breach of Article 6 and/or 8 of the European Convention of Human Rights
- a complaint to the Local Government Ombudsman
- referral to a RIPA Tribunal
- censure by the Office of Surveillance Commissioners

ANNEX A

RIPA Authorising Officers

ANNEX A

RIPA Authorising Officers

- Chief Executive; Timothy Wheadon
- Director Corporate Services; Alison Sanders
- Director Children, Young People and Learning; Janette Karklins
- Director Environment, Culture and Communities; Vincent Paliczka
- Chief Officer Environment and Public Protection; Steve Loudoun
- Chief Officer Housing; Simon Hendey
- Head of Trading Standards and Licensing; Rob Sexton

ANNEX B

Authorisation Form:
Directed Surveillance

Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Authorisation Directed Surveillance

Public Authority <i>(Including full address)</i>			
Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Investigating Officer (if a person other than the applicant)			

Unique Reference Number	
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DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521.¹

2. Describe the purpose of the specific operation or investigation.

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

4. The identities, where known, of those to be subject of the directed surveillance.

- Name:
- Address:
- DOB:
- Other information as appropriate:

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

¹ For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

Unique Reference Number

6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010 No.521).

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3].

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion.

Unique Reference Number	
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9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means [Code paragraphs 3.4 to 3.7]?

10. Confidential information [Code paragraphs 4.1 to 4.31].

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

Unique Reference Number

11. Applicant's Details

Name (print)

Tel No:

Grade/Rank

Date

Signature

12. Authorising Officer's Statement. [Spell out the "5 Ws" - Who; What; Where; When; Why and HOW- in this and the following box.]

I hereby authorise directed surveillance defined as follows: *[Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]*

13. Explain why you believe the directed surveillance is necessary [Code paragraph 3.3].

Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out [Code paragraphs 3.4 to 3.7].

Unique Reference Number	
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14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.

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Date of first review	
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Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

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Name (Print)		Grade / Rank	
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Signature		Date and time	
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Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]	
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Unique Reference Number	
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15. Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

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16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer.

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Name (Print)		Grade/ Rank		
Signature		Date and Time		
Urgent authorisation Expiry date:		Expiry time:		
<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 st expires 4.59pm on 4 th June			

ANNEX C

Authorisation Form:
For the use of Covert Human Intelligent
Source (CHIS)

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for authorisation of the conduct or use of a Covert Human Intelligence Source (CHIS)

Public Authority <i>(Including full address)</i>			
Name of Applicant		Service/Department /Branch	
How will the source be referred to (i.e. what will be his/her pseudonym or reference number)?			
What is the name, rank or position of the person within the relevant investigating authority who will have day to day responsibility for dealing with the source, including the source's security and welfare (often referred to as the Handler)?			
What is the name, rank or position of another person within the relevant investigating authority who will have general oversight of the use made of the source (often referred to as the Controller)?			
Who will be responsible for retaining (in secure, strictly controlled conditions, with need-to-know access) the source's true identity, a record of the use made of the source and the particulars required under RIP (Source Records) Regulations 2000 (SI 2000/2725)?			
Investigation/Operation Name (if applicable)			

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521. ¹ Where appropriate throughout amend references to the Order relevant to your authority.

2. Describe the purpose of the specific operation or investigation.

3. Describe in detail the purpose for which the source will be tasked or used.

4. Describe in detail the proposed covert conduct of the source or how the source is to be used.

5. Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA. Delete those that are *inapplicable*. Ensure that you know which of these grounds you are entitled to rely on (eg. SI 2010 No.521).

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;

¹ For local authorities: The formal position of the authorising officer should be given. For example, Head of Trading Standards.

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
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- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department.

6. Explain why this conduct or use of the source is necessary on the grounds you have identified [Code paragraph 3.2].

**7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]
Describe precautions you will take to minimise collateral intrusion and how any will be managed.**

8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source (see Code paragraphs 3.17 to 3.18)?

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).

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9. Provide an assessment of the risk to the source in carrying out the proposed conduct (see Code paragraph 6.14).

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10. Explain why this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means [Code paragraphs 3.3 to 3.5]?

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**11. Confidential information [Code paragraphs 4.1 to 4.21]
Indicate the likelihood of acquiring any confidential information.**

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References for any other linked authorisations:

12. Applicant's Details.

Name (print)		Grade/Rank/Position	
Signature		Tel No:	

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).

Date

13. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.] THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE, NOT THE TRUE IDENTITY.

14. Explain why you believe the conduct or use of the source is necessary [Code paragraph 3.2] Explain why you believe the conduct or use of the source to be proportionate to what is sought to be achieved by their engagement [Code paragraphs 3.3 to 3.5].

15. Confidential Information Authorisation. Supply details demonstrating compliance with Code paragraphs 4.1 to 4.21

16. Date of first review:

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).

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17. Programme for subsequent reviews of this authorisation [Code paragraphs 5.15 and 5.16]. Only complete this box if review dates after first review are known. If not, or inappropriate to set additional review dates, then leave blank.

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18. Authorising Officer's Details

Name (Print)		Grade/Rank/Position	
Signature		Time and date granted*	
		Time and date authorisation ends	

** Remember, an authorisation must be granted for a 12 month period, i.e. 1700 hrs 4th June 2006 to 2359hrs 3 June 2007*

19. Urgent Authorisation [Code paragraphs 5.13 and 5.14]: Authorising Officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

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20. If you are entitled to act only in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully designated Authorising Officer

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21. Authorising Officer of urgent authorisation

Name (Print)		Grade/Rank/Position	
Signature		Date and Time	
Urgent authorisation expiry date:		Expiry time:	

Remember the 72 hour rule for urgent authorisations – check Code of Practice [Code Paragraph 5.14]. e.g. authorisation granted at 1700 on 1st June 2006 expires 1659 on 4th June 2006

ANNEX D

Authorisation Procedure for Directed Surveillance

ANNEX D

Authorisation Procedure for Covert Surveillance

A. Information to be provided in applications for authorisation

A written application for authorisation for directed surveillance should describe any conduct to be authorised and the purpose of the investigation or operation. The application should also include:

- the reasons why the authorisation is necessary in the particular case (ie. for the purpose of preventing or detecting crime)
- the reasons why the surveillance is considered proportionate to what it seeks to achieve;
- the nature of the surveillance;

- the identities, where known, of those to be the subject of the surveillance;
- an explanation of the information which it is desired to obtain as a result of the surveillance;
- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any confidential information that is likely to be obtained as a consequence of the surveillance.
- the level of authority required (or recommended where that is different) for the surveillance; and

- a subsequent record of whether authority was given or refused, by whom and the time and date.

B. Points for the Authorising Officers Consideration

Under section 28(3) of the 2000 Act an authorisation for directed surveillance may be granted by an authorising officer where he believes that the authorisation is necessary in the circumstances of the particular case:

- for the purpose of preventing and detecting crime or of preventing disorder;

The authorising officer must also believe that the surveillance is proportionate to what it seeks to achieve.

C. Urgent cases

In urgent cases where it is not possible for the requesting officer to complete the form there remains a requirement for the Authorising Officer to be consulted in order for an oral authorisation to be granted.

Oral authorisation in an urgent situation may only be granted for a maximum of 72 hours. A written application for Authorisation must be completed as soon as possible following the oral grant and in any case within the 72 hour period.

A case is not normally to be regarded as urgent unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the operation or investigation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the authorising officer's own making.

Miscellaneous

Authorising officers should not be responsible for authorising investigations or operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable, especially in the case of small organisations, or where it is necessary to act urgently. Where an authorising officer authorises such an investigation or operation the Borough Solicitor should be notified of this in writing (see paragraph 12.1 of Policy) and the attention of a Commissioner or Inspector should be invited to it during his next inspection.

ANNEX E

Authorisation Procedure for the use of Covert
Human Intelligence Sources

ANNEX E

Authorisation procedure for the use of Covert Human Intelligence Sources

A. Information to be provided in applications for authorisation

An application for authorisation for the use or conduct of a source should be in writing and record:

- the reasons why the authorisation is necessary in the particular case (ie. for the purpose of preventing or detecting crime)
- the reasons why the authorisation is considered proportionate to what it seeks to achieve;
- the purpose for which the source will be tasked or deployed (e.g. In relation to an organised serious crime, espionage, a series of racially motivated crimes etc);
- where a specific investigation or operation is involved, nature of that investigation or operation;
- the nature of what the source will be tasked to do;
- the level of authority required (or recommended, where that is different).
- the details of any potential collateral intrusion and why the intrusion is justified;

- the details of any confidential information that is likely to be obtained as a consequence of the authorisation; and
- a subsequent record of whether authority was given or refused, by whom and the time and date.

B. Points for Authorising Officers consideration

Under section 29(3) of the 2000 Act an authorisation for the use or conduct of a source may be granted by the authorising officer where he believes that the authorisation is necessary:

- for the purpose of preventing and detecting crime or of preventing disorder;

The authorising officer must also believe that the authorised use or conduct of a source is proportionate to what is sought to be achieved by that use or conduct.

C. Urgent cases

In urgent cases where it is not possible for the requesting officer to complete the form there remains a requirement for the Authorising Officer to be consulted in order for an oral authorisation to be granted.

Oral authorisation in an urgent situation may only be granted for a maximum of 72 hours. A written application for Authorisation must be completed as soon as possible following the oral grant and in any case within the 72 hour period.

A case is not normally to be regarded as urgent unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the operation or investigation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the authorising officer's own making.

Miscellaneous

Authorising officers should not be responsible for authorising their own activities, e.g. those in which they, themselves, are to act as the source or in tasking the source. However, it is recognised that this is not always possible. Where an authorising officer authorises his own activity the Borough Solicitor should be notified of this in writing (see also paragraph 12.1 of Policy) and the attention of a Commissioner or Inspector should be invited to it during his next inspection.

ANNEX F

Review Form –
Directed Surveillance

Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Review of a Directed Surveillance authorisation

Public Authority <i>(Including address)</i>	
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Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Operation Name		Operation Number* <small>*Filing Ref</small>	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

Details of review:

1. Review number and dates of any previous reviews.	
Review Number	Date

2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.
--

Unique Reference Number

--

3. Detail the reasons why it is necessary to continue with the directed surveillance.

--

4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

--

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.

--

6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

--

7. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	

Unique Reference Number

Signature

8. Review Officer's Comments, including whether or not the directed surveillance should continue.

9. Authorising Officer's Statement.

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue [until its next review/renewal][it should be cancelled immediately].

Name (Print)

Grade / Rank

Signature

Date

10. Date of next review.

ANNEX G

Review Form –
Covert Human Intelligence Source

Unique Operation Reference Number* (*Filing Ref)	
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Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Review of a Covert Human Intelligence Source (CHIS) Authorisation

Public Authority <i>(Including full address)</i>	
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Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Operation Name		Operation Number * <small>*Filing Ref</small>	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
	Review Number		

Unique Operation Reference Number* (*Filing Ref)

Details of review:

1. Review number and dates of any previous reviews.	
Review Number	Date

2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained.

3. Detail the reasons why it is necessary to continue using a Covert Human Intelligence Source.

4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.

Unique Operation Reference Number* (*Filing Ref)	
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6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

7. Give details of the review of the risk assessment on the security and welfare of using the source.

8. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

9. Review Officer's Comments, including whether or not the use or conduct of the source should continue.

10. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE, NOT THE TRUE IDENTITY.

Name (Print)	Grade / Rank
Signature	Date

Unique Operation Reference Number* (*Filing Ref)

Date of next review:

ANNEX H

Renewal Form –
Directed Surveillance

Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Renewal of a Directed Surveillance Authorisation

Public Authority <i>(including full address)</i>	
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Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

Unique Reference Number

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3. Detail the reasons why it is necessary to continue with the directed surveillance.

--

4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.

--

5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

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6. Give details of the results of the regular reviews of the investigation or operation.

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7. Applicant's Details

Name (Print)		Tel No	
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Unique Reference Number	
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Grade/Rank		Date	
Signature			

8. Authorising Officer's Comments. This box must be completed.

9. Authorising Officer's Statement.
I, [insert name], hereby authorise the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing. This authorisation will be reviewed frequently to assess the need for the authorisation to continue.
Name (Print) Grade / Rank
Signature Date
Renewal From: Time: Date:

Date of first review.	
Date of subsequent reviews of this authorisation.	

ANNEX I

Renewal Form –
Covert Human Intelligence Source

Unique Operation Reference Number* (*Filing Ref)	
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Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for renewal of a Covert Human Intelligence Source (CHIS) Authorisation

(Please attach the original authorisation)

Public Authority <i>(Including full address)</i>	
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Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

**Unique Operation Reference
Number*** (*Filing Ref)

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail why it is necessary to continue with the authorisation, including details of any tasking given to the source.

4. Detail why the use or conduct of the source is still proportionate to what it seeks to achieve.

5. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation.

6. List the tasks given to the source during that period and the information obtained from the conduct or

**Unique Operation Reference
Number*** (*Filing Ref)

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use of the source.

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7. Detail the results of regular reviews of the use of the source.

--

8. Give details of the review of the risk assessment on the security and welfare of using the source.

--

9. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

10. Authorising Officer's Comments. This box must be completed.

--

11. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.

**Unique Operation Reference
Number*** (*Filing Ref)

Name (Print)	Grade / Rank
Signature		Date
Renewal From:	Time:	Date:
		End date/time of the authorisation

NB. Renewal takes effect at the time/date of the original authorisation would have ceased but for the renewal

Date of first review:	
Date of subsequent reviews of this authorisation:	

ANNEX J

Cancellation Form –
Directed Surveillance

Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Cancellation of a Directed Surveillance authorisation

Public Authority <i>(Including full address)</i>	
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Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

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Unique Reference Number	
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2. Explain the value of surveillance in the operation:

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3. Authorising officer's statement.

I, [insert name], hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.

Name (Print)	Grade
Signature	Date

4. Time and Date of when the authorising officer instructed the surveillance to cease.

Date:		Time:	
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5. Authorisation cancelled.

Date:		Time:	
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ANNEX K

Cancellation Form –
Covert Human Intelligence Source

Unique Operation Reference Number* (*Filing Ref)

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Cancellation of an authorisation for the use or conduct of a Covert Human Intelligence Source

Public Authority <i>(Including full address)</i>	
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Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			

Unique Operation Reference Number* (*Filing Ref)

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

2. Explain the value of the source in the operation:

3. Authorising officer's statement. THIS SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.

Name (Print)

Grade

Signature

Date

4. Time and Date of when the authorising officer instructed the use of the source to cease.

Date:

Time: