

RIPA

Regulation of Investigatory Powers Act 2000 (RIPA) Covert Surveillance

The Regulation of Investigatory Powers Act 2000 (RIPA) was introduced to provide local authorities with protection where human rights may be interfered with for legitimate purposes. In particular interference with the right to a fair trial, and the right to privacy and family life.

RIPA does not grant powers to carry out surveillance. It simply provides a legal framework that allows the Council to authorise and supervise surveillance in a manner that ensures compliance with the Human Rights Act 1998.

RIPA covers the use of covert surveillance by public authorities including the systematic observation of people or places, and the use of informants to establish or maintain a personal relationship with a person to obtain information. Activities such as monitoring social media accounts, observing and recording the movements of individuals, and filming individuals without their knowledge may amount to activity which should be authorised under RIPA to protect the authority.

RIPA also covers the use of intrusive surveillance, and the interception and use of communications data. However RIPA protection is not available to a local authority for the purposes of intrusive surveillance or the interception of communications data.

Local authorities can only use RIPA for the purposes of prevention and detection of crime. Within Lancashire County Council the only service that uses RIPA is the Trading Standards Service as they have a statutory duty to enforce criminal offences in connection with a wide range of public protection legislation.

Carrying out surveillance under RIPA requires applications to be made on approved forms, authorised by an officer of a suitable rank within the authority as being necessary and proportionate, and approved at the magistrate's court. Possible intrusion on innocent third parties should also be considered as part of the application.

BUT RIPA does not prevent surveillance from being carried out for other purposes, or require that surveillance may only be carried out under RIPA.

There will be times when it is necessary and proportionate to carry out surveillance other than by using RIPA either because the investigation is not carried out for the purposes of preventing or detecting crime, or because, in the case of directed surveillance, the penalty for the offences under investigation is below the threshold which would enable use of a RIPA authorisation. This could include monitoring of employees in alleged misconduct cases, or making more than cursory enquiries in child protection matters – for example to look at individuals who are in contact with young people considered to be at risk.

In such cases to protect themselves and the authority, investigators should follow similar principles to RIPA and refer to the county council's Shadow RIPA Surveillance Policy, and the Covert Social Networking Checks and Surveillance Policy.

Authorisation where appropriate should be sought from the Director of Legal and Democratic Services, on the approval form E1. Authorisations should be regularly reviewed, and cancelled if no longer needed.

The policies below provide some guidance in relation to the use of covert surveillance by Lancashire County Council. For more detailed advice please contact Legal and Democratic Services or Trading Standards.

For further information, please follow the link below.

<http://lccintranet2/corporate/web/?siteid=7332&pageid=47906&e=e>