

# RIPA Refresher Training


██████████  
██████████ Legal Services  
8 October 2019



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## Overview

- Background
- Types of surveillance
- What has changed
- Social media
- Drones
- Procedure and Applications
- Resources
- Questions




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## Background

- Human Rights Act
- RIPA Shield
- Risks




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## Types of surveillance

- Directed Surveillance
- Access to Communications Data
- Covert Human Intelligence Source
- Human Rights Act Surveillance
- Overt surveillance




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## Directed Surveillance and CHIS

- Covert
- Not intrusive (e.g. device present in premises/vehicle)
- Related to a specific investigation
- Likely to result in obtaining private information
- Otherwise than by way of an immediate response to events




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## Directed Surveillance

### Threshold

- Prevention/Detection of Crime
- Max term of at least 6 months' imprisonment or related to underage sale of tobacco/alcohol
- Charges could be for offence below threshold




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What has changed?

1. Investigatory Powers Commissioner's Office – IPCO
2. Code of Practice Updated August 2018
  - Social Media
  - Drones
  - CCTV
  - Handling of material including data protection
  - Working with third parties
  - Senior Responsible Officer

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Social Media




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Social Media

OSC Annual Report 2016-2017

*Investigators 'are, like everyone else, permitted to look at whatever material an individual may have chosen to put in the public domain. This is entirely lawful, and requires no authorisation.'*

*'However, repeated visits to individual sites may develop into an activity which, if it is to continue lawfully, would require appropriate authorisation.'*


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Social Media (2)

OSC Letter to local authorities April 2017

*'RIPA issues do not normally arise at the start of any investigation which involves accessing "open source" material, but what may begin as a lawful overt investigation can drift into covert surveillance which falls within the legislation.'*

Ignorance is not a defence individually or corporately.

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Drones



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Procedure

1. Investigating officer completes application
2. Legal Services/NAFN review draft application
3. Authorising officer considers application
4. If approved, application to Magistrates
5. Renewal/Review
6. CANCELLATION
7. Report on outcome of surveillance

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### The application form



### The application form (2)

- Necessity
- Proportionality
- Collateral intrusion
- Confidential information – always 'none'
- Duration – 3 month
- Diarise review
- Diarise cancellation – even if 3 months expired
- Product – security and central record

### Authorising Officers

- Mark Walker Group Manager
- Derek Higton Service Director
- Steve Edwards Service Director
- Marjorie Toward Service Director (emergencies)

### The role of the Chief Executive

Some categories of authorisation are reserved to the Chief Executive by law: -

- Confidential Information as defined by RIPA
- Juvenile or Vulnerable CHIS

### Resources

- NCC Intranet (search RIPA)
  - Links to forms with guidance
  - Links to Home Office Codes of Practice August 2018
- Investigatory Powers Commissioner's Office
- Legal Services

### Questions

