Jennifer McDonald

From: Foi Enquiries
Sent: 25 November 2019 16:13
To: [redacted]
Subject: FOI-19-1345 - Social Media Monitoring
Attachments: V3 - Further Information - Right to Review & Appeal.pdf; FOI-19-1345 Use of Social Media as an Investigatory Tool.pdf; FOI-19-1345 - ACC- Application for the Authority to Carry Out Directed Surveillance.pdf; FOI-19-1345 ACC - Application For Authorisation for the use of a covert human intelligence source.pdf

Dear [redacted]

Thank you for your information request of 7 October 2019 and please accept our apologies for delay in providing the response to you. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

1. In 2016 the Rt Hon Lord Judge, then Chief Surveillance Commissioner, wrote to all Local Authorities regarding use of social media in investigations. Please confirm whether you are aware you received this letter and:
(a) Provide a copy of your response; (please confirm if you did not respond)

Aberdeen City Council received a letter from the Office of Surveillance Commissioners (OSC) dated 20 March 2017 regarding 'Covert Surveillance of Social Networking Sites'. No response to the letter was requested/required and so the Council did not respond.

We are unable to provide you with information on **the response to Rt Hon Lord Judge, then Chief Surveillance Commissioner Letter** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

(b) Provide a copy of any internal audit relating to social media use arising out of Rt Hon Lord Judge's recommendations; (please confirm if you did not conduct an internal audit and state whether any internal audit of social media use has taken place since 2016).

Prior to the OSC letter, Aberdeen City Council conducted a desktop audit in February - March 2017. The desktop audit asked the Council's functions (Customer, Resources, Place, Governance, Operations and Commissioning) to identify relevant departments who had investigative or enforcement roles and would require training on RIP(S)A (Regulation of Investigatory Powers (Scotland) Act 2000). RIP(S)A training was provided to the identified departments and social media was covered as part of the training.

The OSC's Investigation Report dated 25 April 2017 is available on Aberdeen City Council's website under the Audit, Risk and Scrutiny Committee's meeting dated 26 September 2017, agenda item 11, attached as appendix 1. Please see provided link below.

https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=507&MId=4310&Ver=4

We are unable to provide you with information on **any internal audit relating to social media use arising out of Rt Hon Lord Judge's recommendations** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

(c) Provide a copy of your corporate policy on the use of social media in investigations. (please confirm if you do not have one)

Aberdeen City Council's Corporate protocol and procedure on Convert Surveillance can be found on ACC's website –

https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As the **corporate policy on the use of social media in investigations** is otherwise accessible on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA

(d) Please confirm whether a follow up audit was conducted by the Surveillance Commissioner's Office which was exclusively or partially related to social media use in investigations by your Local Authority.

No follow up audit was conducted by the Surveillance Commissioner's Office.

2. Does your Local Authority conduct overt and/or covert social media intelligence in some or all of its work?

(a) If yes, please specify whether this includes profiling individuals, conducting investigations, monitoring individuals, monitoring groups, monitoring locations, gathering intelligence, for recruitment purposes.

Yes, we do both, Open source data can be used as an information gathering tool. For overt intelligence no authorisation is required under RIP(S)A.

We are unable to provide you with information on **use of overt social media intelligence for profiling individuals, conducting investigations, monitoring individuals, monitoring groups, monitoring locations, gathering intelligence, for recruitment purposes** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

The use of covert surveillance is restricted to certain legal purposes; crime prevention and detection, public health and public safety.

(b) If your Local Authority does conduct social media intelligence/monitoring, please specify whether this includes both or either overt or covert monitoring of social media.
Includes both

(c) If the Local Authority has conducted covert social media monitoring, please confirm the number of RIPA warrants obtained in the last two years for this purpose.

Aberdeen City Council have only had one authorisation for covert social media in the past five years under RIP(S)A. There were no warrants obtained under RIPA. RIPA is English legislation and RIP(S)A is the equivalent in Scotland.

We are unable to provide you with information on **the number of RIPA warrants obtained in the last two years** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

3. If the Local Authority conducts social media intelligence, please provide a copy of any current guidance/policies/internal guidance/code of practice or any other such written material used by/available to the local authority or those working on behalf of the local authority to conduct SOCMINT, the monitoring or accessing of information published on social media that is either publicly available or requires additional access e.g. to be friends with an individual, to have password and login details.

Please see attached ref: FOI-19-13445 Use of Social Media as an Investigatory Tool dated March 2017. The OSC confirm at paragraph 7.2 of the report that the guidance on social media accords with the OSC Procedures and Guidance. The Council monitor case law to check the information in the Council's guidance remains up to date. The Corporate Protocol and Procedure on Convert Surveillance is available on ACC's website

https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As part of the **social media intelligence guidance Corporate Protocol and Procedure on Convert Surveillance** is otherwise accessible as part of Corporate Protocol and Procedures on Covert Surveillance on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

4. If you conduct overt or covert social media intelligence relating to social media platforms, please provide a copy of:
(a) Relevant [sections of the] privacy policy;

We are unable to provide you with information on **privacy policy** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us

(b) the data protection impact assessment;
We are unable to provide you with information on **the data protection impact assessment** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

(c) privacy impact assessment;

We are unable to provide you with information on **privacy impact assessment** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

(d) equality and human rights impact assessment

We are unable to provide you with information on **equality and human rights impact assessment** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

(e) training materials for those conducting social media intelligence.

Please see attached training slide on social media intelligence ref: FOI-19-1345Social Networking Sites Training Slide

The Corporate Protocol and Procedure on Convert Surveillance is available on ACC's website
https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As part of the **training materials for those conducting social media intelligence Corporate Protocol and Procedure on Convert Surveillance** is otherwise accessible ACC's website on the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

Any person who will be applying for or authorising a covert application is required to undertake the mandatory RIP(S)A training. The training covers in detail the impact of surveillance in areas of data protection, human rights law and the use of social media. The training package provided by Aberdeen City Council was subject to audit by OSC and commented on in the OSC's Inspection Report paragraph 6.4. Please see 'Using Social Media as an Investigatory Tool' attached for Question 3.

Please state if you do not have any of the above.

5. Please provide a copy of any other template/form/document currently used (or to be used with the next three months) by the local authority or fraud investigator (or team) in the conduct of social media monitoring

Please see attached ref : FOI-19-1345 ACC- Application for the Authority to Carry Out Directed Surveillance and ref: FOI-19-1345 ACC - Application For Authorisation for the use of a covert human intelligence source
Please see online - Corporate Protocol and Procedures on Covert Surveillance appendix 2
https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

The application requires the applicant to have completed the mandatory RIP(S)A training prior to completing an application. The information required within the form is based on the publications from the Home Office 'Covert Surveillance and Property Interference' and 'Covert Human Intelligence Sources – Revised Code of Practice'.

As part of **any other template/form/document currently used by the local authority in the conduct of social media monitoring** is otherwise accessible as part of Corporate Protocol and Procedures on Covert Surveillance on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

6. Please confirm whether or not your local authority has purchased or uses software and/or hardware to conduct social network / social media monitoring and/or in relation to sentiment analysis.

(a) If yes, please state the name of the company / provider.

We are unable to provide you with information on **the name of the company / provider of purchased or uses software and/or hardware to conduct social network / social media monitoring** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

(b) If no, please state whether the local authority has developed internal methods to conduct social media / social network monitoring.

Aberdeen City Council have not purchased software for the purposes of social media monitoring. Please see attached ref: FOI-19-1345 Using Social Media as an Investigatory Tool.

7. Please confirm, if not stated in the guidance (question 3), the policy on deletion of data obtained from social networking sites.

Information is scheduled for deletion or destruction on a five-year cycle. On an annual basis information that is no longer within the five-year retention period is securely destroyed.

8. If no documents (question 3) exist, or if the following is not covered in the documents which do exist, please explain:

a. In what areas of the local authority's work is social media monitoring used

Please see attached ref: FOI-19-1345 Use of Social Media as an Investigatory Tool. Please see online - Corporate Protocol and Procedures on Covert Surveillance at
https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As part of **what areas of the local authority's work is social media monitoring used** is otherwise accessible as part of Corporate Protocol and Procedures on Covert Surveillance on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

b. What criteria must be satisfied in order for social media monitoring to be carried out

Please see attached ref: FOI-19-1345 Use of Social Media as an Investigatory Tool. Please see online - Corporate Protocol and Procedures on Covert Surveillance at https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As part of **what criteria must be satisfied in order for social media monitoring to be carried out** is otherwise accessible as part of Corporate Protocol and Procedures on Covert Surveillance on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

c. Who must authorise the request to conduct social media monitoring

Please see attached ref: FOI-19-1345 Use of Social Media as an Investigatory Tool. Please see online - Corporate Protocol and Procedures on Covert Surveillance at https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As part of **who must authorise the request to conduct social media monitoring** is otherwise accessible as part of Corporate Protocol and Procedures on Covert Surveillance on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

d. What is the process for conducting social media monitoring

Please see attached ref: FOI-19-1345 Use of Social Media as an Investigatory Tool. Please see online - Corporate Protocol and Procedures on Covert Surveillance at https://committees.aberdeencity.gov.uk/documents/s88757/GOV-18-073%20RIPSA%20Protocol%20final.pdf

As part of **what is the process for conducting social media monitoring** is otherwise accessible as part of Corporate Protocol and Procedures on Covert Surveillance on ACC's website at the link provided, it is exempt from disclosure. In order to comply with our obligations under the terms of Section 16 of the FOISA, we hereby give notice that we are refusing your request under the terms of Section 25(1) - Information Otherwise Accessible - of the FOISA.

e. How long is data collected and retained?

Please see the response to question 7

f. Is there any process for requesting deletion?

No

9. Are you able to state how regularly social media monitoring is used? If so, please provide the figures.

No, the Council do not collect specific data relating to how regularly social media monitoring is used

We are unable to provide you with information on **how regularly social media monitoring is used** as it is not held by ACC. In order to comply with our obligations under the terms of Section 17 of the FOISA, we hereby gives notice that this information is not held by us.

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

We handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

We hope this helps with your request.

Yours sincerely,

Jennifer McDonald | Access to Information Officer
Aberdeen City Council | Access to Information Team | Customer Feedback |Customer Marischal College |Business Hub 6, 1st Floor| Broad Street | Aberdeen | AB10 1AQ

Dial: 01224 522166
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

Using Social Media as an Investigatory Tool- the Do's and Don't s

In a world where members of the public use social media as an ordinary communication tool, its unsurprising that public authorities recognise the opportunities to engage with members of the public and source information being held and posted on online sites such as Facebook, Twitter, Whatsapp, Instagram and others.

This note will provide guidance to officers who wish to use, or access online social sites to obtain or disclose information in pursuance of a regulatory function.

- **I am exercising a Council function and wish to search on social media sites to ascertain information to further my investigation.**

Staff should not use their personal social media account to undertake work related investigations.

If you undertake a search of an online social media site for the purposes of obtaining information about a person for a legitimate[1] regulatory function and you DO NOT have to take any "action" to do this covertly, it is unlikely that a Directed Surveillance authorisation would be required. This is because the individual has not set the privacy settings available and that data may be considered "open source". [i]

If you intend to access social media sites for a specific planned purpose on more than one occasion this may constitute Directed Surveillance and advice should be sought from the Governance Team, Legal Services before engaging in planned repeated viewing.

If you are required to take further action within that site to obtain or gain access to information which is not viewable, you may require authorisation for Directed Surveillance. See below for further information.

- **I am exercising a Council function and want to create a profile on a social media site under a false name**.

It is not unlawful for a public authority like the Council to set up a false identity[2], but it is inadvisable for a member of a public authority to do so for a covert purpose without an authorisation for Directed Surveillance when private information is likely to be obtained. Officers wishing to use Social Media in this way should set out in the application for Directed Surveillance how this will be managed and what information they hope to obtain and for what use.

A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used and without the protection of that person. Their consent must be explicit.

[1] Access to any social media site should be done via ACC equipment so that access is auditable. Further, details of the date, time and activity should be recorded in the relevant case file. Access to Social Media sites may require separate authorisation from IT.

[2] It is good practice for a the manager/ team who wish to use a social media profile to communicate with members of the public register to be kept which sets out the purpose of the social media profile, the Profile password and who has access to the profile. Where a member of the team who has access to the Profile leaves, moves from the team or no longer requires access to it, then the profile password should be changed.

- **I am exercising a Council function and want to start engaging with a specific person, or group of persons, on a social media site to obtain further information to assist my investigation.**

If you access social media sites using a false profile which you have created for the purposes of the investigation you will require a Directed Surveillance authorisation. If you then wish to start communicating with that person for the purposes of establishing a relationship for a covert purpose, you will require an authorisation for a Covert Human Intelligence Source.

- **I wish to create a group profile which is overt (promotes a service of Aberdeen City Council) for the purposes of a regulatory function.**

There is no legal requirement[3] for any authorisation for this activity. Any person engaging with the Group Page will be aware that it is an Aberdeen City Council Service. However, you will have to consider the implications of consent and privacy prior to engaging with members of the public in this way. Consideration should be had to the type of service being promoted, the age of the person with whom you are engaging, the security and information management requirements around this type of engagement and the right of the person to respect their private life and correspondence.

[i] V.1- March 2017

[3] Council staff should be aware of the Social Media Guidance for Employees, Social Media and Online Participation Policy and Guidelines, and any external policies such as; SSSC Guidance on Using Social Media and the General Teaching Council Professional Guidance on the Use of Electronic Communication and Social Media and any other relevant professional codes of practice.

Unique Reference Number* (*Filing Ref)	

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 (RIP(S) ACT)

APPLICATION FOR AUTHORISATION TO CARRY OUT DIRECTED SURVEILLANCE

Public Authority *(including full address)*	ABERDEEN CITY COUNCIL Town House Broad Street ABERDEEN AB10 1AQ

Name of Applicant		**Unit/Branch/Division**	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

Unique Reference Number* (*Filing Ref)	

Details of application:

1. Give rank or position of authorising officer in accordance with The Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010/350 (Scottish SI) (Paragraph 5.4 of Scottish Government Code of Practice.)

2. Describe the conduct to be authorised and purpose of the investigation or operation.

3. Identify which grounds the directed surveillance is <u>necessary</u> under section 6(3) of RIP(S) Act. *delete as inapplicable*
• For the purpose of preventing or detecting crime or of preventing disorder; • In the interests of public safety; • For the purpose of protecting public health.

1 For Local authorities: The exact position of the authorising officer should be given. For example, Environmental Health & Trading Standards Manager rather than officer responsible for the management of an investigation.

Unique Reference Number* (*Filing Ref)	

4. Explain why directed surveillance is necessary, having regard to the grounds identified above, in this particular case. (Paragraph 5.16 of Code of Practice.)

5. Explain why the directed surveillance is proportionate to what it seeks to achieve. (*E.g. extent of the problem balanced against the size of operation, intrusion kept to a minimum and show there is no other way the necessary evidence can be obtained*). (Paragraph 3.3-3.7 of Code of Practice.)

6. The nature of the surveillance to be authorised, including any premises, vehicles or equipment involved, (*e.g. specific equipment, observation posts (use of a map/ sketch*).

7. Investigation or operation to be carried out. The identities, where known, of those to be subject of the directed surveillance. (***E.g a description or other information which may help identify the target can be included***)

- Name:
- Address:
- D. O. B:

- Other information as appropriate:

Unique Reference Number* (*Filing Ref)	

8. Explanation of the information which it is desired to obtain as a result of the directed surveillance. (Paragraph 5.16 of Code of Practice.)

9. Details of risk assessment on the security and welfare of those carrying out the directed surveillance. (*E.g this should include any risks to the officers carrying out the surveillance and the target of the surveillance, how these will be managed and minimised*).

10. Collateral intrusion.

THE USE OF DIRECTED SURVEILLANCE WITHIN THE PUBLIC DOMAIN WILL LEAD TO COLLATERAL INTRUSION OF OTHERS NOT ENGAGED IN SUSPECTED ILLEGAL OR CRIMINAL ACTIVITY. PERSONS WHO HAVE LEGITIMATE ACCESS TO AREAS WHICH ARE SUBJECT TO COVERT SURVEILLANCE MAY BE SUBJECTED TO COLLATERAL INTRUSION. ALL REASONABLE EFFORTS MUST BE MADE TO MINIMISE COLLATERAL INTRUSION. THIS WILL INCLUDE:

- UTILISATION OF TRAINED SURVEILLANCE OPERATIVES WITH APPROPRIATE KNOWLEDGE AND EXPERTISE
- FOCUSING OF SURVEILLANCE ON THE SUBJECTS OF AUTHORISATION
- DAILY BRIEFING AND DEBRIEFING OF AND TO LINE MANAGERS
- CONSTANT REVIEW AND ASSESSMENT OF OPERATIONAL TACTICS.

INDICATE THE EXTENT OF ANY POTENTIAL FOR COLLATERAL INTRUSION ON PERSONS OTHER THAN THOSE TARGETED <u>INCLUDING</u> DETAILS IN THE BOX BELOW OF PLANS TO MINIMISE COLLATERAL INTRUSION. (Paragraph 3.8 of Code of Practice.)

Unique Reference Number* (*Filing Ref)	

11. Confidential Information (*legally privileged, journalistic and personal information). (Chapter 4 of the Code of Practice states that authorisations for legally privileged information require prior authorisation from the Surveillance Commissioner), all other authorisations require approval from the Chief Executive*.
INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

12. Anticipated Start	**Date:**	**Time:**

13. Applicant's Details	
Name (print)	**Tel No:**
Grade/Rank	**Date:**
Signature	

Unique Reference Number* (*Filing Ref)	

14. Authorising Officer's comments explaining why in his view the directed surveillance is necessary and proportionate. <u>This box must be completed</u>. (Paragraphs 3.3-3.9 of Code of Practice.)

Unique Reference Number* (*Filing Ref)	

15. Authorising Officer's Statement (Clearly evidence; *what* is being authorised, *who* is the subject(s), *where*, *when* and *how* it is to happen and *why* it's necessary and proportionate).

I, [insert name], hereby authorise the following directed surveillance investigation/operation as follows: [

This authorisation will cease to have effect at the end of the period of three months commencing on the date of authorisation, unless renewed in writing (see separate form for renewals).

This authorisation will be reviewed frequently (see below) to assess the need for the authorisation to continue.

Name (Print):		**Grade/Rank:**	
Signature:		**Date:**	
		Time:	

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

Unique Reference Number* (*Filing Ref)	

16. Urgent Authorisation. *(Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given)* (Paragraph 5.12 of Code of Practice.)

17. 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. (Paragraph 5.12 of Code of Practice.)	
Name:	Grade/ Rank:
Signature:	Date/ Time:

16. Confidential Information Authorisation. *(to be completed by the Chief Executive only).*

Name (Print)		**Grade/Rank**	
Signature		**Date**	
From:		**To:**	

Unique Reference Number* (*Filing Ref)	

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 (RIP(S) ACT)

APPLICATION FOR AUTHORISATION OF THE USE OR CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

Public Authority *(including full address)*	ABERDEEN CITY COUNCIL Town House Broad Street ABERDEEN AB10 1AQ

Name of Applicant		**Unit/Branch/Division**	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

Details of application:

1. Give rank or position of authorising officer in accordance with The Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010/350 (Scottish SI) and **The Regulation of Investigatory Powers (Authorisation of Covert Human Intelligence Sources) (Scotland) Order 2014/339** (Paragraph 3.1 of Scottish Government Code of Practice.)

Unique Reference Number* (*Filing Ref)	

2. Identity of source.

3. Identity used by source.

4. Identity of controller.
(Paragraph 6.9 of Code of Practice.)

5. Identity of handler.
(Paragraph 6.7 of Code of Practice.)

6. Identify which grounds the action is Identify which grounds the action is <u>necessary</u> under section 7(3) of RIP(S) Act. *delete as inapplicable*
(Paragraph 3.2-3.3 of Code of Practice.)

- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of public safety;
- For the purpose of protecting public health.

7. Explain why the use or conduct of a covert human intelligence source (CHIS) is necessary in this particular case. *(e.g. having regard to the purpose above).*
(Paragraph 3.2-3.3 of Code of Practice.)

Unique Reference Number* (*Filing Ref)	

8. **Explain why the authorised conduct or use of a source is proportionate to what it seeks to achieve**. *(E.g. extent of the problem balanced against the size of operation, intrusion kept to a minimum and show there is no other way the necessary evidence can be obtained).*
(Paragraph 3.4-3.5 of Code of Practice.)

9. Details of the purpose for which the source will be tasked or deployed.
(Paragraph 6.1 of Code of Practice.)

10. Where a specific investigation or operation is involved, details of that investigation or operation. (*e.g. specific equipment, observation posts (use of a map/ sketch).*
(Paragraph 6.1 of Code of Practice.)

11. Nature of what the source will be asked to do. (*The assignment and tasking of the Source*) *P*aragraph 6.1 of Code of Practice.)

Unique Reference Number* (*Filing Ref)	

12. Details of risk assessment on the security and welfare of using the source.
(Paragraph 3.10, 6.13-6.15 of Code of Practice.)

13. Collateral Intrusion

THE USE OF DIRECT SURVEILLANCE WITHIN THE PUBLIC DOMAIN WILL LEAD TO COLLATERAL INTRUSION OF OTHERS NOT ENGAGED IN SUSPECTED ILLEGAL OR CRIMINAL ACTIVITY. PERSONS WHO HAVE LEGITIMATE ACCESS TO AREAS WHICH ARE SUBJECT TO COVERT SURVEILLANCE MAY BE SUBJECTED TO COLLATERAL INTRUSION. ALL REASONABLE EFFORTS MUST BE MADE TO MINIMISE COLLATERAL INTRUSION. THIS WILL INCLUDE:

- UTILISATION OF TRAINED SURVEILLANCE OPERATIVES WITH APPROPRIATE KNOWLEDGE AND EXPERTISE
- FOCUSING OF SURVEILLANCE ON THE SUBJECTS OF AUTHORISATION
- DAILY BRIEFING AND DEBRIEFING OF AND TO LINE MANAGERS
- CONSTANT REVIEW AND ASSESSMENT OF OPERATIONAL TACTICS.

INDICATE THE EXTENT OF ANY POTENTIAL FOR COLLATERAL INTRUSION ON PERSONS OTHER THAN THOSE TARGETED INCLUDING DETAILS IN THE BOX BELOW OF PLANS TO MINIMISE COLLATERAL INTRUSION. (Paragraph 3.8,3.11 of Code of Practice.)

14. Anticipated Start	Date:	Time:

15. Applicant's Details

Name (print) **Tel No:**

Grade/Rank **Date:**

Signature

Unique Reference Number* (*Filing Ref)	

16. Authorising Officer's comments explaining why in his view the directed surveillance is necessary and proportionate. <u>This box must be completed</u>.
(Paragraph 3.2-3.3 of Code of Practice.)

Unique Reference Number* (*Filing Ref)	

17. Authorising Officer's Statement *((Clearly evidence; what is being authorised, who (the source and the subject) is the subject of the surveillance, where, when and how it is to happen and why it's necessary and proportionate. If you require more space please use a paper apart. The paper apart must have the URN clearly referenced on it, should be signed by you and should be securely attached to this form).*

I, [insert name], hereby authorise the following use or conduct of a covert human intelligence source as follows [ ].

This authorisation will cease to have effect at the end of the period of 12 months commencing on the date of authorisation, unless renewed in writing (see separate form for renewals).

This authorisation will be reviewed frequently (see below) to assess the need for the authorisation to continue.

Name (Print):		**Grade/Rank:**	
Signature:		**Date:**	
		Time:	

Unique Reference Number* (*Filing Ref)	

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

18. Urgent Authorisation: *(Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given)* (Paragraph 5.11 of Code of Practice.)

19. 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.	
Name:	Grade/ Rank:
Signature:	Date/ Time:

20. Confidential Information Authorisation. *(where the authorisation is for a CHIS to obtain, provide access to or disclose knowledge of matters subject to legal privilege, notice must be given to the Surveillance Commissioner. Where legal privilege is incidental to the conduct authorised, the Council should draw this to the attention of the Commissioner at the next Inspection. For any other authorisation for Confidential Information – this can be authorised by the Council's existing authorising officers.* (section 4 Code of Practice.)

Name (Print)		**Grade/Rank**	
Signature		**Date**	
From	**Time:**	**Date:**	

Social Networking Sites

- **Open Profile – no authorisation is required**
- **Closed Profile – DS authorisation required if a false profile is used to become a friend to gain access to observe activity**
- **Closed Profile and wish to communicate with target – DS authorisation required to gain access and observe. Also require a CHIS authorisation to establish/maintain relationship and use it to obtain information**