

Part II of the Regulation of Investigatory Powers Act 2000

Application for Authorisation of Directed Surveillance

Sample Form with Notes to Assist Completion

This form is to be completed by an officer of the local authority seeking authorisation to carry out Directed Surveillance. Before completing it, you must satisfy yourself that you are doing Directed Surveillance as defined by RIPA. Please read chapter 2 of the Covert Surveillance Code of Practice.

Once completed, this form should be forwarded to the Authorising Officer for approval and to complete box 12 onwards. The next step is to seek the approval of a Magistrate. If this is granted, the authorisation will last for three months.

Code of Practice/Code: This is the RIPA Covert Surveillance Code of Practice.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which are issued by the same department. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. In some cases the investigating department allocates the URN whilst in others this is done by the RIPA Co ordinator. There are no hard and fast rules.

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

This section is fairly explanatory. Where a third party (e.g. private detective agency or the police) is used to carry out Directed Surveillance on behalf of the authority or to give operational support, details of that party and their involvement should be recorded on this form. See paragraph 3.15 - 3.22 of the Code.

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**

Insert the name and position of the Authorising Officer. This is the person who will decide whether or not Directed Surveillance should be authorised and will countersign this form. He/she must hold a rank in accordance with the above Order (i.e. Director, Head of Service, Service Manager or equivalent). Care should be taken to avoid more junior officers authorising surveillance. Each department, which makes regular use of Directed Surveillance, will have officers appointed as such. If in doubt consult the RIPA Co-ordinator.

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

Explain the crime, which is being investigated. For example;

- “To investigate and gather evidence of a possible benefit fraud by the target.”
- “To investigate instances of illegal dumping of waste at”
- “To investigate criminal damage which has been perpetrated against...”

If possible, include the relevant legislation that may be used to prosecute offenders and/or which gives you the power/duty to investigate the matter.

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

Read the above carefully. Note the phrase “in detail.” Therefore a response which merely states “Video camera and recording equipment will be installed at a fixed point” will not be adequate.

Your statement here needs to include what is going to be done, who is going to do it, when they are going to do it, where they are going to do it and how they are going to do it. Other points to address here include:

- How long will the surveillance last?
- Specific details about dates and times i.e. is it 24/7, at specific times of the day or at random times?
- Which premises are to be used and/or targeted?
- Which vehicles are to be used? Are they public or private?
- What type of equipment is to be used? e.g. covert cameras, audio devices
- What is the capability of the equipment to be used? e.g. zoom lense, remote controlled etc.
- Who else will be involved in the operation and what will be their role? e.g. private detectives, police

It may be appropriate to attach plans/maps showing where and how the surveillance will be conducted and indicating where any surveillance equipment will be installed.

Note that, if the Authorising Officer approves this surveillance, the authorisation will only cover you to do what you have stated here (subject to any amendments made by the Authorising Officer in box 12). Consequently you can only rely on section 27 (“the RIPA Shield/Defence”) in so far as you were undertaking the activities set out in this section. Therefore it pays to include lots of detail.

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

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

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

Include as much information as you have. If you do not know the identity of the target then say so. You could include a general description of the target(s) e.g. "visitors and/or residents of ASBO lane (identities unknown) who are alleged to be selling counterfeit goods at the property."

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

Your statement here should be more detailed than in Box 2. You should give details of the precise information sought by doing the surveillance. For example:

- "To ascertain what time the suspect enters and leaves the building."
- "To capture images of the perpetrators of criminal damage at [place/address]."
- "To find out who is delivering the counterfeit goods to the suspect's premises [place/address]."
- "To corroborate the evidence of witnesses who have complained about racially aggravated anti social behaviour."

You may include a number of separate pieces of information it is hoped to be obtained by doing the surveillance e.g. "where the alleged perpetrator is dumping the illegal waste, who he is employing him and when it is being done."

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
- ~~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;~~

From 1st November 2012, local authorities can only authorise Directed Surveillance on the one ground: where it is necessary to prevent or detect crime. If you are not investigating a criminal offence (e.g. merely seeking to prevent disorder/anti social behaviour) then you cannot seek authorisation for this Directed Surveillance.

Box 7 explains the requirements in more detail.

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

The OSC Document states that the Authorising Officer must be satisfied that there is a necessity to use covert surveillance in the proposed operation. In order to be satisfied, there must be an identifiable offence to prevent or detect before an authorisation can be granted on the grounds falling within S. 28(3)(b) of RIPA.

From 1st November 2012, pursuant to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012, (SI 2012/1500), local authority Authorising Officers may not authorise Directed Surveillance unless it is for the purpose of preventing or detecting a criminal offence and it meets the condition set out in New Article 7A(3)(a) or (b) of the 2010 Order (SI 2010 no.521). Those conditions are that the criminal offence which is sought to be prevented or detected is punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months imprisonment, or would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933. The latter are all offences involving sale of tobacco and alcohol to underage children.

To address the above, you should explain here:

- The criminal offence you are investigating
- How it satisfies the six month threshold test (or falls within the exceptions) explained above
- How doing the Directed Surveillance will help the prevention or detection of the crime
- Any other evidence you have to link the target with the offender/offence which requires corroboration through surveillance

**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**

When doing Directed Surveillance you may be invading the privacy of those who are not your target. RIPA requires you to think about their rights and what you can do to minimise the impact on them of your surveillance. People who may be the subject of collateral intrusion include:

- customers or workers at business premises
- visitors to a property
- friends or relatives of the suspect
- other people living on a housing estate where covert cameras have been set up to capture vandalism

The Code of Practice states:

“3.9 ...Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to the likelihood of collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

3.10. All applications should therefore include an assessment of the risk of collateral intrusion and details of any measures taken to limit this, to enable the authorising officer fully to consider the proportionality of the proposed actions.”

When completing this section, three points should be addressed:

Firstly, identify which third parties will be the subjects of collateral intrusion and what that intrusion will be i.e. what information will be captured about them?

Secondly, state why this is unavoidable. This could be because of the nature of the premises (e.g. a restaurant) or because of what the person is doing (e.g. visiting the subject/target premises). In some cases there will always be third parties around who will be captured on film or whose activities will be recorded/observed in some way.

Thirdly, set out what steps you have taken to minimise collateral intrusion, if this is possible. This may include:

- using a still camera rather than a video camera
- switching covert cameras on at specific times rather than leaving them to run all the time
- narrowing the field of vision or the place where the cameras are cited
- reducing the amount of surveillance done at busy times to capture fewer people e.g. when targeting shops or places of worship
- Pixelating the faces of people who are not targets if recordings are to be viewed by a wider audience e.g. a court

If you cannot minimise collateral intrusion you still need to show that you have considered it. In some situations all you may be able to state is that you cannot do anything to minimise collateral intrusion but you will not be making any decisions based upon the information gathered about third parties unless it shows them committing a criminal offence. Furthermore, you will ensure that officers who do the surveillance or view any recordings are mindful of who the real target of the surveillance is.

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 paragraph 3.4 to 3.7]

The Code of Practice contains detailed guidance on proportionality:

“3.4...This involves balancing the seriousness of the intrusion into the privacy of the target of the operation (or any other person who might be affected) against the need for the activity in investigative and operational terms.”

“ 3.5 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information

which is sought could reasonably be obtained by other less intrusive means.”

Paragraph 3.6 requires you demonstrate that you have:

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

In order to comply with the above you need to address the following questions:

- Can you get information/evidence using less intrusive means/ overt methods?
- What other means have you tried to obtain the same information/evidence?
- What have you done to try and lessen the impact on the target? Factors to address include:
 - Amount of information to be gathered during surveillance
 - The method of surveillance e.g. using still cameras rather than video to capture less information or using one camera rather than two.
 - Impact of the surveillance on the subject
 - Timing of the surveillance

At the same time, the above must be balanced with the need for the activity in operational terms. To demonstrate this balance you should address:

- What you are seeking to achieve
- The seriousness and extent of the offence
- The impact of the offence on the victims (and others), the wider community and the public purse

For more guidance on proportionality see the examples on page 27 of the Code and also paragraph 106 of the OSC Document.

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

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

This is defined in paragraph 4.1 of the Code as consisting of communications subject to legal privilege, communication between an MP and another person on constituency matters, confidential personal information and confidential journalistic material. So, for example, extra care should be taken where, through the use of surveillance, it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter’s spiritual welfare, or where matters of medical or journalistic confidentiality may be involved. Where such material has been acquired and retained, the matter should be reported to the OSC during the next inspection and the material should be made available to them if requested.

Local authorities are unlikely to come across this kind of information during routine surveillance operations. However you have to be alive to the possibility and include wording here to show you have thought about it.

APPENDIX 2

For example, where you will be following someone who may attend a church, mosque or hospital.

Note that in cases where you will be acquiring confidential information as part of a Directed Surveillance operation, the authorisation has to be granted by the Chief Executive or, in his or her absence, the acting Chief Executive.

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, Who is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]*

This section is for the Authorising Officer to complete. Authorising Officers should not normally be responsible for authorising operations in which they are directly involved. See paragraph 5.7 of the Code.

This section should not be pre completed by the Investigating Officer. Sufficient detail must be included here to demonstrate that the Authorising Officer has considered the application objectively. Reference can be made to the boxes completed by the Investigating Officer above but “cut and paste” should be avoided. The five “Ws” stated above must be addressed in detail. This is important so that the Investigating Officers are clear as to what they can and cannot do and the means they can adopt.

The Authorising Officer should also consider what is being authorised is not in conflict with previous or other current authorisations.

The Authorising Officer should not be afraid to reject the application if it lacks clarity or detail. Furthermore, the OSC Document recommends that if an application fails to include an element in the proposed activity which in the opinion of the Authorising Officer should have been included (for example, the return of something to the place from which it is to be taken for some specified activity), or which is subsequently requested orally by the Investigating Officer, it may be included in the authorisation; if so a note should be added explaining why. Conversely, if an Authorising Officer does not authorise all that was requested, a note should be added explaining why.

**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 paragraph 3.4 to 3.7]**

The OSC Document (paragraph 105) states that the Authorising Officer should state why he/she believes that the Directed Surveillance is necessary and proportionate. A bare assertion is insufficient.

You may refer to box 7 and 9 when completing this section. Set out what matters in the respective boxes you have given particular weight to when considering necessity and proportionality. You can also add any additional factors you have considered.

To demonstrate that you have given the issues due thought, it is important not to “cut and paste” the Investigating Officer’s wording or to just state “see box 7 and 9”.

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

Box 10 (above) explains Confidential Information. This box should only to be completed if you are likely to obtain Confidential Information through Directed Surveillance. If in doubt speak to the RIPA Co ordinator.

Date of first review

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.

Reviews should be done as frequently as is considered necessary and practicable. The Code draws particular attention to the need to review authorisations frequently where the surveillance involves a high level of intrusion into private life or significant collateral intrusion, or where confidential information is likely to be obtained. During a review, consideration will have to be given to whether the surveillance is still necessary and proportionate. A standard form is available to record the review.

Name (Print)

Grade / Rank

State the position of the Authorising Officer e.g. Director of Environmental Services

Signature

Date and time

According to the Code of Practice (paragraph 5.7), Authorising Officers should not normally be responsible for authorising 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 or for security reasons. Where an Authorising Officer authorises such an investigation or operation the Central Record should highlight this and the attention of the OSC should be drawn to it during the next inspection.

Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]

All authorisations automatically last for three months. You cannot authorise for shorter periods. Even in the case of time limited surveillance operations you must cancel the authorisation as soon as the surveillance has been completed.

15. Urgent Authorisation [Code paragraphs 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

Local authorities can no longer use the Urgent(Oral) Authorisation procedure due to the need to have all authorisations approved in writing by a Magistrate. See paragraph 3.30 of the Code of Practice.

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

Not applicable – see box 15

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		

WHAT NEXT?

The Directed Surveillance cannot be undertaken until a Magistrate has approved the authorisation. Once the authorisation has been approved a copy of this form (together with the Magistrate's Order) must be sent to the RIPA Co ordinator so that he/she can update the Central Record.

Part II of the Regulation of Investigatory Powers Act 2000 Renewal of a Directed Surveillance Authorisation

Sample Form with Notes to Assist Completion

(Please attach a copy of the original authorisation.)

This form is to be completed by an officer of the local authority when the original authorisation period has expired but Directed Surveillance is still required. An application for renewal should not be made until shortly before the original authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. However the renewal has to be approved by a Magistrate in the same way the original authorisation was. If this is done, the authorisation will last for a further period of three months.

Code of Practice/Code: This is the revised RIPA Covert Surveillance Code of Practice. Before completing this form please read paragraphs 5.12 -5.16 of the Code.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which are issued by the same department. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. In some cases the investigating department allocates the URN whilst in others this is done by the RIPA Co ordinator. There are no hard and fast rules.

Public Authority <i>(including full address)</i>			
Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number	This should be a sequential number reflecting the number of times this particular Directed Surveillance authorisation has been renewed.		

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.	
<p>Has anything changed in the way the surveillance is going to be carried out e.g. different premises targeted, different times when it will be done or equipment used etc.?</p> <p>Has more information come to light reflecting greater need for surveillance e.g. seriousness of the offence, new victims, new witnesses etc.?</p>	
3. Detail the reasons why it is necessary to continue with the directed surveillance.	
<p>Set out how far you have achieved the desired objective. What more information is required?</p> <p>Are you still investigating a criminal offence which meets the criteria set out in the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 i.e. a crime punishable with maximum term of <u>at least 6 months imprisonment</u>, or one which involves the sale of tobacco and alcohol to underage children?</p> <p>You may refer to box 7 of the original authorisation application form and state what has or has not changed. See also the notes for that box for more guidance on necessity.</p>	
4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.	
<p>You may refer to box 9 of the original authorisation application form and state what has or has not changed. See also the notes for that box for more guidance on proportionality.</p> <p>State any further considerations which show that Directed Surveillance is still proportionate. In the light of the surveillance done so far, will you do things differently to ensure proportionality. e.g. reduce the times of surveillance or use different equipment?</p>	
5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.	
<p>This box requires you to review the information you have obtained so far by doing Directed Surveillance. It may be useful to refer to any review forms completed in relation to this surveillance.</p>	

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

This box requires you to look back at the review forms completed during the duration of the original authorisation that you are seeking to renew. You may wish to attach copies of the review forms or quote their unique reference numbers.

7. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

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

The Authorising Officer should set out here why he/she believes that the original authorisation should be renewed taking care to explain the necessity (box 3) and proportionality (box 4) considerations. Reference can be made to the original authorisation application form for assistance, as many of the original considerations may still be relevant.

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.			

Do not forget to set review dates. Reviews should be done as frequently as is considered necessary and practicable. The Code draws particular attention to the need to review authorisations frequently where the surveillance involves a high level of intrusion into private life or significant collateral intrusion, or where confidential information is likely to be obtained. During a review, consideration will have to be given to whether the surveillance is still necessary and proportionate. A standard form is available to record the review

WHAT NEXT?

This renewal will not take effect until a Magistrate has approved it.
Once the renewal has been approved a copy of this form (together with the Magistrate's Order) must be sent to the RIPA Co ordinator so that he/she can update the Central Record.

Part II of the Regulation of Investigatory Powers Act 2000

Review of a Directed Surveillance authorisation

Sample Form with Notes to Assist Completion

Regular reviews of all Directed Surveillance authorisations should be undertaken to assess whether they should continue or whether the criteria, upon which the original decision to grant an authorisation was based, have changed sufficiently to require the authorisation to be revoked. Before completing this form please read the Code of Practice (paragraph 3.23 - 3.27). Unlike authorisations and renewals of Directed Surveillance, a review does not have to be approved by a Magistrate.

Reviews should be done as frequently as is considered necessary and practicable. The Code draws particular attention to the need to review authorisations frequently where the surveillance involves a high level of intrusion into private life or involves significant collateral intrusion, or where confidential information is likely to be obtained.

The actual review is the responsibility of the original Authorising Officer and should, as a matter of good practice, be conducted by them or, failing that, by an officer who would be entitled to grant a new authorisation in the same terms. Support staff and Investigating Officers can though do the necessary research, prepare the review process and complete this form up to box 8.

Code of Practice/Code: This is the RIPA Covert Surveillance Code of Practice.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which are issued by the same department. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. In some cases the investigating department allocates the URN whilst in others this is done by the RIPA Co ordinator. There are no hard and fast rules.

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

The above is self explanatory. An additional requirement is an Operation Number. This may be specific to police procedures. Local authorities may decide to just use the Unique Reference Number.

Details of review:	
1. Review number and dates of any previous reviews.	
Review Number	Date
	If this review is part of a series of reviews then the date(s) and number(s) of the previous review(s) must be inserted.
2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.	
<p>Summarise what has been done so far. Set out what information you have obtained so far by doing Directed Surveillance. Private Information is any information about a person's private or family life and will include details of relationships, next of kin, religious activity, visitors to the target property etc.</p> <p>You also need to bring to the attention of the Authorising Officer any proposed or unforeseen changes to the nature or extent of the surveillance operation that may result in the further or greater intrusion into the private life of any person. Any such changes must also be highlighted at the next renewal if the authorisation is to be renewed.</p> <p>Where a Directed Surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined here to include the identity of those individuals. See Paragraph 3.27 of the Code.</p>	
3. Detail the reasons why it is necessary to continue with the directed surveillance.	
<p>Set out how far you have achieved the desired objective. What more information is required?</p> <p>You may refer to box 7 of the original authorisation application form and state what has or has not changed. See also the guidance notes for that box for more information on necessity.</p>	
4. Explain how the proposed activity is still proportionate to what it seeks to achieve.	
<p>You may refer to box 9 of the original authorisation application form and state what has or has not changed. See also the notes for box 9 for more guidance on proportionality.</p> <p>State any further considerations which show that Directed Surveillance is still proportionate. In the light of the surveillance done so far will you do things differently to ensure proportionality e.g. reduce the times of surveillance or use different equipment?</p>	
5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.	
<p>For an explanation of collateral intrusion see the notes in box 8 of the original authorisation application form. Consider :</p> <ul style="list-style-type: none"> • Have you recorded information about third parties? If so what? • Can you do things differently to avoid the collateral intrusion? 	

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

For an explanation of confidential information see the notes in box 10 of the original authorisation application form. For the reasons explained therein it is unlikely that you will say anything here other than "No confidential information has been acquired or accessed or is likely to be acquired or accessed."

7. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

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

As the reviewing officer, you should set out here why you believe that the original authorisation should continue; taking care to explain the necessity and proportionality considerations. You may refer to the original authorisation application form for assistance, as many of the original considerations may still be relevant. You should also consider:

- whether any proposed changes to the surveillance are proportionate (bearing in mind any extra intended intrusion into privacy or collateral intrusion)
- whether you need to amend the original authorisation yourself in the light of what you have read above e.g. reduce the timings of the surveillance or length of the operation etc.

You should make a recommendation to the Authorising Officer to cancel, renew or amend the original authorisation as appropriate.

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].

As the Authorising Officer, if you decide that the authorisation should be cancelled you should explain your reasons. The cancellation form must now be completed. You should also immediately issue instructions to Investigating Officers to stop any further surveillance.

If you decide that the authorisation should continue, you should explain your reasons and, if need be, set a further review date (below) bearing in mind the length of the surveillance operation and its impact on the target(s) and others.

Name (Print)		Grade / Rank	
Signature		Date	

10. Date of next review

NOTE: Once an authorisation has been reviewed, a copy of this form must be sent to the RIPA Co ordinator so that he/she can update the Central Record. It must be kept for 5 years.

NON-RIPA Authorisation Cancellation Form

Cancellation of an authorisation to conduct covert surveillance not regulated by RIPA

Sample Form with Notes to Assist Completion

This form is to be completed when cancelling an authorisation for Surveillance not regulated by RIPA. It is not a statutory requirement but is best practice. An authorisation should be cancelled as soon as it is no longer required or no longer meets the criteria upon which it was authorised. The Authorising Officer who granted or last renewed the authorisation must cancel it. Where that officer is no longer available, this duty will fall on the person who has taken over that role or the person who is acting as such.

Public Authority <i>(including full address)</i>			
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:**

This section is self explanatory. Reasons could include:

“It is no longer necessary; we have obtained all the information we need.”

“It is no longer proportionate; the intrusion into the suspect’s private life cannot be justified.”

“We do not have the resources to continue.”

“This was a short time limited operation.”

“The three month time limit has expired and we have decided to use other investigation methods.”

2. Explain the value of surveillance in the operation:

State what actual surveillance was carried out under the authorisation.

Explain what was achieved through the surveillance including information acquired as well as any surveillance product e.g. photographs, recordings etc.

How is the surveillance product being stored, destroyed or otherwise handled?

How does the information/surveillance product assist with your investigation/prosecution? You may wish to look back at the original authorisation application form for this surveillance, in particular box 2 and box 5.

3. Authorising officer's statement.

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

Also include here directions to the Investigating Officers for the management and storage of the product of the surveillance e.g. photographs and other evidence.

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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It is important to formally instruct Investigating Officers to immediately cease any surveillance which is still ongoing and record that fact here.

5. Authorisation cancelled	Date:		Time:	
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NOTE: Once an authorisation has been cancelled, a copy of this form must be sent to the RIPA Co ordinator so that he/she can update the Central Record.

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)

Sample Form with Notes to Assist Completion

This form is to be completed by an officer of the local authority seeking authorisation for the deployment of a CHIS. Before completing it please read chapter 2 of the CHIS Code of Practice and chapter 6 (to understand the procedures that need to be in place to manage the CHIS). Once completed, this form should be forwarded to the Authorising Officer for approval and to complete box 13 onwards. The next step is to seek the approval of a Magistrate. If this is granted, the authorisation will last for twelve months.

Code of Practice/Code: The Covert Human Intelligence Sources Code of Practice.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which does the same department issue. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. In some organisations the RIPA Co ordinator allocates the URN.

Public Authority (including full address)			
Name of Applicant		Service/Department/ Branch	
How will the source be referred to? i.e. what will be his/her pseudonym or reference number	You need to consider whether it is appropriate to use a pseudonym for the CHIS where the operation involves the CHIS being placed in a dangerous situation e.g. a CHIS who is part of a gang engaging in anti social behaviour on a housing estate. In other cases the use of the real name or reference number will suffice.		
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)	This is a requirement of the Act (S.29(5)(a) and the Code (paragraph 6.7). The Handler will usually be someone below the rank or position of the Authorising Officer. His/her job will include giving tasks to the CHIS e.g. to make a series of test purchases from a shop etc.		
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)	This is the person referred to in Act (section 29(5)(b)) who will be responsible for the management and supervision of the Handler and the general oversight of the use made of the CHIS.		
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)?	This is the person in your organisation who maintains the Source Records in accordance with the Code (chapter 7) and the stated Regulations.		
Investigation/Operation			
Name (if applicable)			

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 ² Where appropriate throughout amend references to the Order relevant to your authority.

Insert the name and position of the Authorising Officer. This is the person who will decide whether or not the deployment of a CHIS should be authorised and will countersign this form. He/she must hold a rank in accordance with the above Order (i.e. Director, Head of Service, Service Manager or equivalent). Each department, which makes regular use of a CHIS, will have officers appointed as such. Care should be taken to avoid more junior officers signing authorisations. If in doubt consult the RIPA Co ordinator.

Please note where the CHIS operation involves the acquisition of confidential information (see box 11) or where the CHIS is a vulnerable individual (as defined in paragraph 4.23 of the Code) or a juvenile source (as defined in paragraph 4.24 of the Code) then this authorisation can only be granted by the Chief Executive or, in his/her absence, the acting Chief Executive.

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

Explain the crime or disorder, which is being investigated. For example;

- “To investigate acts of vandalism and antisocial behaviour on X Housing Estate”
- “To investigate and gather evidence of the supply of meat unfit for human consumption [brief details]”
- “To investigate the operation of an illegal fly tipping business [brief details]”
- “To investigate the sale of dangerous goods to children in X Market”

If possible, include the relevant legislation that may be used to prosecute offenders and/or which gives you the power/duty to investigate the crime or disorder.

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

What are you hoping to achieve by deploying the CHIS? For example:

- “To ascertain the extent of the suspect’s alleged trade in clocked cars and who his suppliers are”
- “To collect evidence of drug dealing and noise nuisance on X Housing Estate”

Some background information about the investigation may be included to give the Authorising Officer an understanding of the context of the CHIS operation.

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

² For local authorities: The formal position of the authorising officer should be given. For example, Head of Trading Standards.

Your statement here needs to include what activities the CHIS will be tasked with to fulfil the purpose set out in box 3. Points to address here include:

- What the CHIS will do e.g. “to pretend to be a new tenant on X Housing Estate with a view to obtaining information about drug dealing from local residents by forming relationships with them.”
- Where are they going to do it?
- How long will the task last?
- When are they going to do it?
- Which premises are to be used and/or targeted?
- What type of equipment is going to be used e.g. hidden camera or microphone on the CHIS?

Note that if the Authorising Officer approves the deployment of the CHIS then the authorisation will only cover you to deploy the CHIS as stated here (subject to any amendments made by the Authorising Officer in box 13). Consequently you can rely on section 27 (“the RIPA Shield/Defence”) only in so far as the CHIS was undertaking the activities set out in this section. Therefore it pays to be detailed in this section.

If you are using more than one CHIS in an operation, state the URN of that other authorisation here.

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. (e.g. SI 2010 N0.521)

- ~~• 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.~~

Local authorities can only authorise the use or conduct of a CHIS for the purpose of preventing or detecting crime or of preventing disorder. Therefore all other grounds should be deleted. If you believe that the deployment of the CHIS does not come under this heading then stop and seek advice from Legal Services and/or the RIPA Co ordinator.

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

The Authorising Officer must be satisfied that there is a necessity to use a CHIS in the proposed operation. You should explain here:

- What crime or disorder you are investigating.
- How the use of the CHIS lead to prevention or detection of that crime or prevention of that disorder
- Any other evidence you have to link the target with the offender/offence which requires corroboration through use of the CHIS

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.

When deploying a CHIS you may be invading the privacy of those who are not your target e.g. customers at a shop, friends or relatives of the target. RIPA requires you to think about their rights and what you can do to minimise the impact of your surveillance on them.

The Code of Practice states:

“3.9 ...Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this collateral intrusion is considered proportionate to the aims of the intended intrusion. Any collateral intrusion should be kept to the minimum necessary to achieve the objective of the operation.

3.10. All applications should therefore include an assessment of the risk of any collateral intrusion and details of any measures taken to limit this, to enable the authorising officer fully to consider the proportionality of the proposed use or conduct of a CHIS.”

People who may be the subject of collateral intrusion include:

- customers or workers at business premises
- visitors to a property
- friends or relatives of the suspect or person with whom the CHIS has formed a relationship

Firstly, identify whose privacy may be invaded by the deployment of the CHIS.

Secondly, state why it is unavoidable. This could be because of the nature of the premises (e.g. restaurant) or because of what the person is doing (e.g. visiting the target); there will always be third parties present who will not know that the CHIS is there for a covert purpose or that their activities are being recorded/observed in some way.

Thirdly, set out what steps (if any) you have taken to minimise collateral intrusion and how this will be managed. This may include:

- If the CHIS is to visit public premises (e.g. a restaurant or a retail outlet) he/she will only do so at less busy times to ensure fewer customers’ privacy is invaded
- If the CHIS will be using a hidden microphone he/she will only switch it on when the target is present

If you cannot minimise collateral intrusion you still need to show you have considered it. You may wish to add that you cannot do anything to minimise it but you will not be making any decisions based on the information gathered about third parties unless it shows them committing a criminal offence. You must also remind your officers of the purpose and target of the surveillance and the need to keep information about third parties confidential.

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 3.17 and 3.18)

This section is probably more relevant to the police, given the extent of their use of CHIS and the wide ranging nature of investigations in which they are involved. The Code of Practice states:

“...3.17. Any person granting or applying for an authorisation will also need to be aware of any particular sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS.

3.18. It is therefore recommended that where an authorising officer from a public authority considers that conflicts might arise they should, where possible, consult a senior officer within the police force area in which the CHIS is deployed. All public authorities, where possible, should consider consulting with other relevant public authorities to gauge community impact.”

Are there any sensitivities of the local community that you need to record e.g. using a CHIS who may attend a place of worship? Are you aware of any similar investigations by the police or other local authorities which could have an impact here? Often you will only know this if the police or other local authorities inform you.

9. Provide an assessment of the risk to the source in carrying out the proposed conduct. (see Code 6.14. to 6.16)

You could be putting the CHIS in danger because of the task that you give him/her e.g. tasking a drug user to obtain information about drug dealers. Paragraph 6.14 of the Code of Practice states:

“Any public authority deploying a CHIS should take into account the safety and welfare of that CHIS when carrying out actions in relation to an authorisation or tasking, and the foreseeable consequences to others of that tasking. Before authorising the use or conduct of a CHIS, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS, after the cancellation of the authorisation, should also be considered at the outset. Also, consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in, Court.”

State here what health and safety risks are involved in deploying the CHIS and how you have addressed them e.g. personal security, panic alarm, use of fake identities, presence of other officers in the vicinity etc. Where you are deploying more than one CHIS in an operation you can still use one authorisation form but a separate risk assessment must be carried out in relation to each individual CHIS.

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 paragraph 3.3 to 3.5]

This requires you to justify the need for using the CHIS and balance that with the impact on the privacy of the subject and others. The Ministry of Justice Guide on Human Rights states:

“When taking decisions that may affect any of the qualified rights, a public authority must interfere with the right as little as possible only going as far as is necessary to achieve the desired aim.”

The Code of Practice explains proportionality as follows:

“3.3...This involves balancing the seriousness of the intrusion into the private or family life of the target of the operation (or any other person who might be affected) against the need for the activity in investigative and operational terms.”

“ 3.4 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render the use or conduct of a CHIS proportionate. Similarly, an offence may be so minor that any deployment of a CHIS would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.”

Paragraph 3.5 of the Code of Practice requires you to demonstrate that you have:

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

To demonstrate proportionality, the following issues must be addressed here:

- Can you get information using less intrusive means/ overt methods?
- What other means have you tried?
- What have you done to try and lessen the impact on the target? Factors to set out:
 - Amount of information to be gathered
 - Impact on the target
 - Timing of the surveillance

At the same time, the above must be balanced with the need for the deployment of the CHIS in operational terms. To demonstrate this balance you should set out:

- What you are seeking to achieve?
- Seriousness of the offence/disorder
- Impact of the offence/disorder on the victims
- Impact of the offence/disorder on others including the wider community and on the public purse

11. Confidential information. [Code paragraphs 4.18 to 4.22] Indicate the likelihood of acquiring any confidential information.

This is defined in paragraph 4.1 of the Code as consisting of communications subject to legal privilege, communication between an MP and another person on constituency matters, confidential personal information and confidential journalistic material. So, for example, extra care should be taken where, through the use of surveillance, it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter's spiritual welfare, or where matters of medical or journalistic confidentiality may be involved. Where such material has been acquired and retained, the matter should be reported to the OSC during the next inspection and the material should be made available to them if requested.

Local authorities are unlikely to come across this kind of information during routine CHIS operations. However you have to be alive to the possibility and include adequate wording here to show you have thought about it. For example, where your CHIS may attend a church, mosque or doctor's surgery.

Note that in cases where you will be acquiring confidential information as part of a CHIS operation, the authorisation has to be granted by the Chief Executive or, in his/her absence, the acting Chief Executive.

References for any other linked authorisations:

12. Applicant's Details.

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

This section is for the Authorising Officer to complete. Please note that where the CHIS operation involves the acquisition of confidential information (see box 11 above) or where the CHIS is a vulnerable individual (as defined in paragraph 4.23 of the Code) or a juvenile source (as defined in paragraph 4.24 of the Code) then this authorisation can only be granted by the Chief Executive or in his/her absence the acting Chief Executive.

This section should not be pre completed by the Investigating Officer. Sufficient detail must be included here to demonstrate that the Authorising Officer has considered the application thoroughly. Reference can be made to box 3 and 4 above but "cut and paste" should be avoided.

The five "Ws" stated above must be addressed in detail. This is important so that the Investigating Officers and the CHIS are clear as to what they can and cannot do and the means they can adopt.

You, as the Authorising Officer, should not be afraid to reject the application if it lacks clarity or detail.

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 paragraph 3.3 to 3.5]

You may refer to box 6 to 10 when completing this section. You can also add any additional factors you have considered. However, to demonstrate that you have given the issues due thought, it is important not to cut and paste that wording or to just state “see boxes 6 to 10”.

The CHIS Handler is responsible for bringing to the attention of the CHIS Controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:

- the validity of the risk assessment;
- the conduct of the CHIS;
- the safety and welfare of the CHIS.

Where appropriate, concerns about such matters must be considered by the Authorising Officer, and a decision taken on whether or not to allow the authorisation to continue.

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

This box should only to be completed if you are likely to obtain Confidential Information (see box 11) through use of the CHIS. Note that in such cases the authorisation has to be granted by the Chief Executive or, in his/her absence, the Acting Chief Executive.

16. Date of first review

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 is known. If not, or inappropriate to set additional review dates, and then leave blank.

Regular reviews are stressed by the Code of Practice. Where a CHIS operation is going to last more than one month, the OSC has suggested that there should be a review once a month. Shorter or time limited operations may not require a review.

During a review, consideration will have to be given to whether the use of the CHIS is still necessary and proportionate. A standard form is available to record the review.

18. Authorising Officer's Details			
Name (Print)		Grade/Rank/Position	
Signature		Time and date granted*	
		Time and date authorisation ends	Please note that all CHIS authorisations automatically last for twelve months. You cannot authorise for shorter periods. In the case of time limited CHIS operations you must cancel the authorisation as soon as the operation has been completed.

Authorising Officers should, where possible, be independent of the investigation. The Code states (paragraph 5.8), they should not normally be responsible for authorising their own activities e.g. those in which they themselves are to act as the CHIS or as the handler of the CHIS. However it is recognised that it is not always possible, especially in the case of small organisations, or where it is necessary to act urgently or for security reasons. Where an Authorising Officer authorises his own activity, the Central Record should highlight this and the OSC should be about it during the next inspection.

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

19. Urgent Authorisation [Code paragraph 5.15]: Authorising Officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given			
Local authorities can no longer use the Urgent (oral) Authorisation procedure due to the need to have all authorisations approved in writing by a Magistrate. See paragraph 3.26 of the Code.			
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			
This section is only to be completed where an urgent verbal authorisation was given by an Authorising Officer only entitled to act in urgent cases. This will not be appropriate for local authorities (see above).			
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 4.18]. e.g. authorisation granted at 1700 on 1st June 2006 expires 1659 on 4th June 2006

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

The CHIS cannot be deployed until a Magistrate has approved the authorisation. See section 4 of the Council's RIPA Policy for the procedure for seeking such approval.

Once the authorisation has been approved a copy of this form (together with the Magistrate's Order) must be sent to the RIPA Co ordinator so that he/she can update the Central Record

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

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

Sample Form with Notes to Assist Completion

(Please attach the original authorisation.)

This form is to be completed by an officer of the local authority when the period of authorisation for a Covert Human Intelligence Source (CHIS) has expired but the deployment of the CHIS is still required. An application for renewal should not be made until shortly before the original authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Before completing this form please read the Code of Practice (paragraphs 3.12 - 3.16 and 5.18 - 5.27). The next step is to seek the approval of a Magistrate. If this is granted, the authorisation will be renewed for a further period of twelve months.

The actual renewal is the responsibility of the original Authorising Officer and should, as a matter of good practice, be conducted by them or, failing that, by an officer who would be entitled to grant a new authorisation in the same terms. Support staff and Investigating Officers can though do the necessary research, prepare the review process and complete this form up to box 9.

Once completed this form should be forwarded to the Authorising Officer for approval and to complete box 10 onwards. If granted, the authorisation will cover a further period of 12 months. Please refer to the CHIS authorisation application form for more guidance on the definitions and principles mentioned below.

Code of Practice/Code: The Covert Human Intelligence Sources Code of Practice.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which does the same department issue. Some organisations devise a URN, which comprises of the year, department initials, applicant initials and investigation number. In some cases the investigating department allocates the URN whilst in others this is done by the RIPA Co ordinator. There are no hard and fast rules.

Public Authority (including full address)			
Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			
Renewal Number	This should be a sequential number reflecting the number of times this particular CHIS authorisation has been renewed.		

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.

Has anything changed in the way the CHIS is going to be used e.g. different premises targeted, different tasks to be given, different times or equipment used etc.?

Has more information come to light reflecting greater need for the CHIS e.g. seriousness of the offence, new victims?

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

Is the investigation/operation continuing?

What more information is required to be obtained by the CHIS?

What have you achieved thus far?

You may refer to box 6 of the original authorisation application form (as well as the guidance notes relating to it) and state what has or has not changed.

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

You may refer to box 10 of the original authorisation application form (as well as the guidance notes which relate to it) and state what has or has not changed.

State any further considerations, which show that deployment of the CHIS is still proportionate. In the light of the use you have made of the CHIS thus far, will you do things differently to ensure proportionality e.g. reduce the times of surveillance or use different equipment?

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.

What use have you made of the CHIS so far? List dates, times and places and the nature of each use. You may attach extracts from the Source Records.

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

Similar to above - You may refer to the Source Records.

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

This box requires you to look back at the review forms completed during the duration of the original authorisation that you are seeking to renew. You may wish to attach copies of those forms or include their unique reference numbers.

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

See box 9 of the original authorisation application form. Do you need to take any additional measures to safeguard the security and welfare of the CHIS?

CHIS Unique Reference Number (URN)	
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9. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

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

The Authorising Officer should state here whether or not he/she is satisfied that the CHIS authorisation should be extended and the reasons for his/her decisions.

Any other special requirements for the deployment of the CHIS (e.g. security and welfare considerations) should also be stated here. In particular the Authorising Officer should consider necessity, proportionality, collateral intrusion and the risk assessment and state that he/she is satisfied with all the compliance measures in place. Reference can be made to box 3 and 4 as well as any other matters taken into account.

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

An example:

"I, [insert name], hereby authorise the renewal of the deployment of the CHIS [insert pseudonym or reference] as detailed above. The renewal of this authorisation will last for 12 months unless cancelled. This authorisation will be reviewed frequently to assess the need for it to continue."

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:	

WHAT NEXT?

The renewal of the CHIS authorisation does not take effect until a Magistrate has approved the authorisation. See section 4 of the Council's RIPA Policy for the procedure for seeking such approval.

Once the renewal has been approved a copy of this form (together with the Magistrate's Order) must be sent to the RIPA Co ordinator so that he/she can update the Central Record.

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000 Review of a Covert Human Intelligence Source (CHIS) authorisation

Sample Form with Notes to Assist Completion

Regular reviews of all CHIS authorisations should be undertaken to assess whether they should continue or whether the criteria upon which the original decision to grant an authorisation was based have changed sufficiently to require the authorisation to be revoked. Before completing this form please read the Code of Practice (paragraphs 3.12 - 3.16 and 5.16 - 5.17).

Reviews should be done as frequently as is considered necessary and practicable. The Code draws particular attention to the need to review authorisations frequently where the CHIS operation involves a high level of intrusion into private life or significant collateral intrusion, or where confidential information is likely to be obtained.

The actual review is the responsibility of the original Authorising Officer and should, as a matter of good practice, be conducted by them or, failing that, by an officer who would be entitled to grant a new authorisation in the same terms. Support staff and Investigating Officers can though do the necessary research, prepare the review process and complete this form up to box 8. Please refer to the original CHIS authorisation application form for more guidance on the definitions and principles, which are exactly the same here. A review does not have to be approved by a Magistrate.

Code of Practice/Code: The Covert Human Intelligence Sources Code of Practice.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which does the same department issue. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. In some cases the investigating department allocates the URN whilst in others this is done by the RIPA Co ordinator. There are no hard and fast rules.

Public Authority <i>(including full address)</i>			
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	

Details of review:	
1. Review number and dates of any previous reviews.	
Review Number	Date
	If this review is part of a series of reviews then the date and number(s) of the previous review(s) must be inserted.
2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained.	
<p>Summarise what has been done so far. You may wish to attach extracts of the Source Records. Set out what information you have obtained so far by deploying the CHIS.</p> <p>You also need to bring to the attention of the Authorising Officer any proposed or unforeseen changes to the nature or extent of the CHIS operation that may result in the further or greater intrusion into the private life of any person. Any such changes must also be highlighted at the next renewal if the authorisation is to be renewed.</p>	
3. Detail the reasons why it is necessary to continue with using a Covert Human Intelligence Source.	
<p>What more information is required? You may refer to box 6 of the original authorisation application form (as well as the guidance notes relating to it) and state what has or has not changed.</p>	
4. Explain how the proposed activity is still proportionate to what it seeks to achieve.	
<p>You may refer to box 10 of the original authorisation application form (as well as the guidance notes) and state what has or has not changed. State any further considerations, which show that deployment of the CHIS is still proportionate. In the light of the use you have made of the CHIS thus far, will you do things differently to ensure proportionality e.g. reduce the times of surveillance or use different equipment?</p>	
5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.	
<p>For an explanation of collateral intrusion see the notes relating to box 7 of the original authorisation application form.</p>	
6. Give details of any confidential information acquired or accessed and the likelihood of acquiring	

confidential information.

For an explanation of confidential information see the notes relating to box 11 of the original authorisation application form. Consider :

- Have you recorded information about third parties? If so what?
- Can you do things differently to avoid or further minimise the collateral intrusion?

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

See box 9 of the original authorisation application form. Do you need to take any additional measures to safeguard the security and welfare of the CHIS?

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?

As the reviewing officer, you should set out here why you believe that the original authorisation should continue taking care to explain the necessity and proportionality considerations. You may refer to the original authorisation application form for assistance, as many of the original considerations may still be relevant. You should also consider:

- whether any proposed changes to the CHIS operation are proportionate (bearing in mind any extra intended intrusion into privacy or collateral intrusion)
- whether you need to amend the original authorisation in the light of what you have read above e.g. reduce the timings of the surveillance or length of the operation etc.

You should make a recommendation to the Authorising Officer to cancel, continue with or amend the original authorisation.

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

If you decide that the original authorisation should continue, explain your reasons here and, if need be, set a further review date (below) bearing in mind the length of the operation and its impact on the target.

Reference can be made to the original authorisation application form, for assistance, as many of the original considerations will be relevant. Any additional requirements in terms of deploying the CHIS (e.g. security and welfare measures) should also be stated here. If you decide the authorisation should be cancelled you should explain your reasons. The cancellation form must now be completed. You should also immediately issue instructions to Investigating Officers to stop any further use or conduct of the CHIS.

Name (Print)		Grade / Rank	
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CHIS Unique Reference Number (URN)	
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Signature		Date	
Date of next review:			

Regular reviews are stressed by the Code of Practice. Where a CHIS operation is going to last more than one month the OSC has suggested that there should be a review once a month. Shorter or time limited operations may not require a review.

NOTE: Once this form is completed, a copy should be sent to the person maintaining the Central Record so that it can be updated.

Part II of the Regulation of Investigatory Powers Act 2000

Cancellation of a Directed Surveillance authorisation

Sample Form with Notes to Assist Completion

This form is to be completed when cancelling an authorisation for Directed Surveillance. It is a statutory requirement that an authorisation is cancelled as soon as it is no longer required or no longer meets the criteria upon which it was authorised. Even where surveillance was conducted for a short time, the authorisation must be cancelled at the end of the operation. Authorisations cannot be left to just lapse. The Authorising Officer who granted or last renewed the authorisation must cancel it. Where that officer is no longer available, this duty will fall on the person who has taken over that role or the person who is acting as such. Unlike authorisations and renewals of Directed Surveillance, a cancellation does not have to be approved by a Magistrate.

Code of Practice/Code: This is the revised RIPA Covert Surveillance Code of Practice. Before completing this form please read paragraphs 5.17 – 5.18 of the Code.

Unique Reference Number (URN): This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which are issued by the same department. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. In some cases the investigating department allocates the URN whilst in others this is done by the RIPA Co ordinator. There are no hard and fast rules.

Public Authority <i>(including full address)</i>			
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:**

This section is self explanatory. Reasons could include:

“It is no longer necessary; we have obtained all the information we need.”

“It is no longer proportionate; the intrusion into the suspect’s private life cannot be justified.”

“We do not have the resources to continue.”

“This was a short time limited operation.”

“The three month time limit has expired and we have decided to use other investigation methods.”

2. Explain the value of surveillance in the operation:

State what actual surveillance was carried out under the authorisation.

Explain what was achieved through the surveillance including information acquired as well as any surveillance product e.g. photographs, recordings etc.

How is the surveillance product being stored, destroyed or otherwise handled? (see paragraphs 9.3 to 9.5 of the Code)

How does the information/surveillance product assist with your investigation/prosecution? You may wish to look back at the original authorisation application form for this surveillance, in particular box 2 and box 5.

3. Authorising officer's statement.

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

Also include here directions to the Investigating Officers for the management and storage of the product of the surveillance e.g. photographs and other evidence. See paragraph 9.3 to 9.5 of the Code.

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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It is important to formally instruct Investigating Officers to immediately cease any surveillance which is still ongoing and record that fact here and in the Central Record.

5. Authorisation cancelled	Date:		Time:	
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NOTE: Once an authorisation has been cancelled, a copy of this form must be sent to the RIPA Co ordinator so that he/she can update the Central Record.

Application for Authorisation to conduct Covert Surveillance not regulated by RIPA

[Sample Form with Notes to Assist Completion](#)

This form should be completed by an officer of the local authority seeking authorisation to carry out surveillance which **does not** fall within the definition of Directed Surveillance in section 28 of the Regulation of Investigatory Powers Act 2000 (RIPA). This could include surveillance where the target is doing something which is not criminal offence (or which does not carry a term of imprisonment of six months or more), misusing the work e mail/internet system or breaching a legal agreement (e.g. tenancy agreement).

Before completing this form please consult:

- The briefing notes in appendix 1 of the Council's RIPA Policy.
- The ICO Employment Practices Code: Part 3 (Staff Surveillance)
- Legal Services

Once completed this form should be forwarded to your manager to complete box 11 onwards.

Organisation <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)			

DETAILS OF APPLICATION**15. Give rank or position of the authorising officer**

This is the person who will decide whether or not the surveillance should be authorised and will countersign this form. It must be a person who holds the post of Service Manager or above and has been trained in relation to surveillance. If in doubt consult your legal services.

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

Explain what is being investigated. For example:

- Child protection investigation
- An employee working when on sick leave

If possible, include the relevant legislation that which gives you the power/duty to investigate the matter and to take action.

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

The key phrase is “in detail.” Therefore a response which merely states “Video camera and recording equipment will be installed at a fixed point” will not be adequate.

Your statement here needs to include what is going to be done, who is going to do it, when they are going to do it, where they are going to do it and how they are going to do it. Other points to address here include:

- How long will the surveillance last?
- Specific details about dates and times i.e. is it 24/7, at specific times of the day or at random times?
- Which premises are to be used and/or targeted?
- Which vehicles are to be used? Are they public or private?
- What type of equipment is to be used? e.g. covert cameras, audio devices
- What is the capability of the equipment to be used? e.g. zoom lense, remote controlled etc.
- Who else will be involved in the operation and what will be their role? e.g. private detectives, police

It may be appropriate to attach plans/maps showing where and how the surveillance will be conducted and indicating where any surveillance equipment will be installed.

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

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

Include as much information as you have. If you do not know the identity of the target(s) then say so. You could include a general description of the target(s).

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

Your statement here should be more detailed than in Box 2. You should give details of the precise information sought by doing the surveillance. For example:

- “To ascertain whether an employee is working for another employer whilst on sick leave.”
- “To ascertain whether if a parent x continues to have direct contact with parent y and to capture video footage of the contact.”
- “To find out what websites the employee has been visiting and what images have been downloaded.”

20. Has any warning/notice been served on the target? If not, explain why this surveillance needs to be covert

The warning could be general one (e.g. signs/policy) or it could be more specific (e.g. letter).

Explain any overt methods you have tried to obtain the evidence/information or why they are not appropriate.

Explain the consequences of the target finding out about this surveillance.

21. Explain why this surveillance is necessary

Include in this box details of:

- Why surveillance is needed to obtain the information/evidence that is sought
- Any other means you have tried (not involving surveillance) to obtain the same information/evidence. If other means of obtaining the same information/evidence are not appropriate/possible, explain why.
- Any other evidence/information you have to link the target with a 3rd party which requires corroboration through surveillance

22. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. Describe precautions you will take to minimise collateral intrusion

When doing surveillance you may be invading the privacy of those who are not your target. You are required to think about their rights and what you can do to minimise the impact on them of your surveillance. People who may be the subject of collateral intrusion include:

- fellow employees
- visitors to a property
- friends or relatives of the suspect

When completing this section, three matters should be addressed:

Firstly, identify which third parties will be the subject of collateral intrusion and what that intrusion will be i.e. what information will be captured about them?

Secondly, state why this is unavoidable. This could be because of the nature of the premises (e.g. a

restaurant) or because of what the person is doing (e.g. visiting the subject/target premises). In some cases there will always be third parties around who will be captured on film or whose activities will be recorded/observed in some way.

Thirdly, set out what steps you have taken to minimise collateral intrusion, if this is possible.

If you cannot minimise collateral intrusion you still need to show you have considered it. In some situations all you may be able to state is that you cannot do anything to minimise collateral intrusion but you will not be making any decisions based upon the information gathered about third parties unless it shows them committing a criminal offence. Furthermore, you will ensure that officers who do the surveillance or view any recordings are mindful of who the real target of the surveillance is.

23. Explain why this 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?

The RIPA Covert Surveillance Code of Practice contains detailed guidance on proportionality:

“3.4...This involves balancing the seriousness of the intrusion into the privacy of the target of the operation (or any other person who might be affected) against the need for the activity in investigative and operational terms.”

“ 3.5 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.”

Here you demonstrate that you have:

- balanced the size and scope of the proposed activity against the gravity and extent of the perceived crime or wrongdoing;
- explained how and why the methods to be adopted will cause the least possible intrusion on the target and others;
- considered whether the activity is appropriate and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidenced, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

In order to comply with the above you need to address the following questions:

- Can you get information using less intrusive means/overt methods?
- What other means have you tried to obtain the same information/evidence?
- What have you done to try and lessen the impact on the target? Factors to address include:
 - Amount of information to be gathered during surveillance
 - The way the surveillance is done e.g. using still cameras rather than video to capture less information or using one camera rather than two.
 - Impact of the surveillance on the subject
 - Timing of the surveillance

At the same time, the above must be balanced with the need for the activity in operational terms. To demonstrate this balance you should address:

- What you are seeking to achieve?
- Seriousness and extent of the offence/wrongdoing
- Impact of the offence/wrongdoing on the victims, others (e.g. children) wider community and on the public purse

For more guidance on proportionality see chapter 3 of the RIPA Covert Surveillance Code and the Employment Practices Data Protection Code (Part 3).

24. Applicant's Details.

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

25. 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, Who is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]*

This section is for the Authorising Officer to complete. Ensure that you are satisfied that any covert monitoring is strictly targeted at obtaining evidence within a set timeframe and that it does not continue after the investigation is complete.

Sufficient detail must be included here to demonstrate that you, as the Authorising Officer, have considered the application objectively. Reference can be made to the boxes completed by the Investigating Officer above but "cut and paste" should be avoided. The five "Ws" stated above must be addressed in detail. This is important so that the Investigating Officers are clear as to what they can and cannot do and the means they can adopt.

You should not be afraid to reject the application if it lacks clarity or detail.

26. Explain why you believe the surveillance is necessary. Explain why you believe the surveillance to be proportionate to what is sought to be achieved by carrying it out.

You should satisfy yourself that there are grounds for suspecting criminal activity or other serious wrongdoing and that notifying individuals about the monitoring would prejudice its prevention or detection. Set out what matters in the respective boxes you have given particular weight to when considering necessity and proportionality. You can also add any additional factors you have considered.

Unique Reference Number	
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Date of first review		If the surveillance operation is going to last more than a month then you should consider whether it should be reviewed after a period of time. During a review, consideration will have to be given to whether the surveillance is still necessary and proportionate.		
Programme for subsequent reviews of this authorisation: Only complete this box if review dates after the first review are known. If not or inappropriate to set additional review dates then leave blank.				
Name (Print)		Grade / Rank	State the position of the Authorising Officer e.g. Head of Audit	
Signature		Date and time		
Authorising Officers should not normally be responsible for authorising 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 or for security reasons.				
Expiry date and time				

NOTE: Once an authorisation has been granted, a copy of this form must be sent to Legal Services.

NON-RIPA Authorisation Cancellation Form

Cancellation of an authorisation to conduct covert surveillance not regulated by RIPA

Sample Form with Notes to Assist Completion

This form is to be completed when cancelling an authorisation for Surveillance not regulated by RIPA. It is not a statutory requirement but is best practice. An authorisation should be cancelled as soon as it is no longer required or no longer meets the criteria upon which it was authorised. The Authorising Officer who granted or last renewed the authorisation must cancel it. Where that officer is no longer available, this duty will fall on the person who has taken over that role or the person who is acting as such.

Public Authority <i>(including full address)</i>			
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:**

This section is self explanatory. Reasons could include:

“It is no longer necessary; we have obtained all the information we need.”

“It is no longer proportionate; the intrusion into the suspect’s private life cannot be justified.”

“We do not have the resources to continue.”

“This was a short time limited operation.”

“The three month time limit has expired and we have decided to use other investigation methods.”

2. Explain the value of surveillance in the operation:

State what actual surveillance was carried out under the authorisation.

Explain what was achieved through the surveillance including information acquired as well as any surveillance product e.g. photographs, recordings etc.

How is the surveillance product being stored, destroyed or otherwise handled?

How does the information/surveillance product assist with your investigation/prosecution? You may wish to look back at the original authorisation application form for this surveillance, in particular box 2 and box 5.

3. Authorising officer's statement.

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

Also include here directions to the Investigating Officers for the management and storage of the product of the surveillance e.g. photographs and other evidence.

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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It is important to formally instruct Investigating Officers to immediately cease any surveillance which is still ongoing and record that fact here.

5. Authorisation cancelled	Date:		Time:	
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NOTE: Once an authorisation has been cancelled, a copy of this form must be sent to the RIPA Co ordinator so that he/she can update the Central Record.