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# Application for Authorisation to

# Carry out Covert / Directed Surveillance

This form is to be completed by the police force requesting this surveillance as part of **Part ll of the Regulatory of Investigatory Powers Act (RIPA) 2000**.

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| **Location** |  | **CrimeRef:** |  |



Guidance for completing this form is available at [end of this form](#_GUIDANCE_NOTES) or by clicking the on questions.

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| 1. [**Describe the purpose of the operation or investigation**](#_WHY:__)

The description should include a summary background of what has led to the need for this application being made and why the need for the operation. |
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| 1. [**What surveillance equipment is required?**](#_HOW:__)

Include what equipment is required including any premises, vehicles or equipment (e.g. camera, binoculars, recorder). Confirm whether this is to be static (i.e. fixed to a pole) or mobile (i.e. handheld) and where the surveillance will be conducted from/viewing |
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| 1. **Expected duration**

Include how long you need this surveillance; please remember you should only be using covert surveillance for the length of time necessary to fulfil the purpose in part 1.  |
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| 1. **The identities of those to be subject of the directed surveillance**

Give details were known or a description sufficient to assist with their identification if name not known. *(continue on separate sheet if necessary and attach to application, indicating number of additional pages in the space provided)*  |
| **Name** |  |
| **Address** |  |
| **DOB** |  |
| **Other info as appropriate e.g. description if name not known** |
|  |
| **No. additional pages** |  |



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| 1. **Explain what information is expected to be obtained as a result of the directed surveillance.**

Include as much information of the intended outcome from this surveillance.  |
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| 1. **Grounds the direct surveillance is necessary under Section 28(3) of RIPA and what exemption you are relying under data protection legislations.**
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| 1. **Explain why this directed surveillance is necessary on the grounds you have identified and why it is proportionate to what it seeks to achieve.**

This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms. **Include what other options have been considered.** |
| Necessary |
|  |
| Proportionate |
|  |

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| 1. **Supply details of any potential collateral intrusion, why the intrusion is unavoidable and describe the precautions you will take to minimise this.** Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance activity.
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**Police Force** **Declaration and Approval**

I confirm that:

[ ]  This information obtained will be used in connection with this investigation and held and used only as long as this is required for statutory agency purposes and any subsequent criminal justice proceedings

[ ]  surveillance will only last for specified duration stipulated above.

Requestor’s details

|  |  |
| --- | --- |
| **Signed:** | **Address:** |
| **Print name:**  |
| **Job Title:**  | **Date Signed:** |
| **Telephone:**  | **Email:** |

Senior Sign off details (anyone above requesters position in the force and this is only required when a court order has not been supplied)

|  |  |
| --- | --- |
| **Signed:** | **Address:** |
| **Print name:**  |
| **Job Title:**  | **Date Signed:** |
| **Telephone:**  | **Email:** |

Hyde Review

To be completed by Hyde’s Data and Information Governance team

**□** Court order provided to cover the request

**□** Valid exemption under data protection legislation

Hyde Approval

To be completed by approving director

**□** Approved □ Refused

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| **Reason for decision** |
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| --- | --- |
| **Authoriser Name**  |  |
| **Position** |  |
| **Signature** |  |
| **Date** |  |

# GUIDANCE NOTES

**Application for Authorisation to**

**Carry out Covert / Directed Surveillance**

**Overview of the legislation**

The gathering of information by surveillance techniques is covered by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA), and largely applies to the Police and to a lesser extent local authorities rather than housing associations. The legislation sets out when authority is required from a senior member of staff in the organisation to enable the gathering of information by surveillance techniques. This is to ensure that when such evidence is used in court proceedings, the use of such techniques to gather it is seen to be reasonable, proportionate and robust.

As non-compliance of the regulations could be used as a defence in legal proceedings, our CCTV guidance will closely follow the RIPA provisions when such surveillance techniques need to be used. This document sets out the requirements in this area and, in addition to RIPA, takes account of associated legal considerations contained in:

* The Data Protection Act 2018
* The Human Rights Act 1998;
* The Information Commissioner’s Office CCTV Code of Practice Revised Edition 2008;
* The Home Office’s current Code of Practice on Covert Surveillance.
* The Hyde Group Anti-Social Behaviour Policy and Procedure

It should be made clear that the Hyde Group is a Registered Charitable Housing Association. As such, is not considered an ‘appropriate authority’ with regards to the Regulation of Investigatory Powers Act (RIPA), and therefore does not require RIPA authorisation for the use of CCTV.

The use of covert surveillance techniques, will always take account of the principles of JAPAN (Justified, Authorised, Proportional, Auditable, Necessary) and will only be considered in the following circumstances:

* Where it can be demonstrated that other forms of information gathering have proved impossible or impractical;
* Where informing the individual(s) concerned that recording was taking place would seriously prejudice the objective of making the recording;
* Where there is reason to believe that the use of surveillance techniques such as covert CCTV is likely to produce evidence of crime, disorder or anti-social behaviour; and
* Any such covert recording would only be carried out for a limited and reasonable period, as agreed at the time of seeking authorisation, so it is consistent with the objectives of the project. Where other acts of ASB are picked up on the recordings, not related to the project we will look to act on these.

Any decision to use covert surveillance techniques will be fully documented and will set out how the decision to use such techniques was reached and by whom and must be authorised by a Director.

**Completing the Form:**

## WHY: Describe the purpose of the operation or investigation

The description should include a summary background of what has led to the need for this application being made and why the need for the operation.

*The purpose of the operation is to secure recorded evidence of the visitors to the block/suspected property and any activities that could identify drug dealing or people trafficking . Such evidence obtained under controlled and authorised circumstances will provide corroboration of the allegations and enable relevant enforcement action to be taken.*

*FOR EXAMPLE: Suspected drug dealing and people trafficking from a specific block/property owned by Hyde.*

## HOW: What surveillance equipment is required, including any premises, vehicles or equipment (eg camera, binoculars, recorder) that may be used (covert/overt?)

Include what equipment is required and whether this is to be static (ie fixed to a pole) or mobile (ie handheld) and where the surveillance will be conducted from/viewing.

*FOR EXAMPLE: A mobile overt camera be placed on the street lighting column (ref \*\*\*\*\*\*\*) on the entrance of the estate, panning the street where the suspect lives with the intention to record evidence of the illegal activity.*

## WHEN: Expected duration

Include how long you intend to carry out surveillance for and why that chosen duration.

*FOR EXAMPLE: Approximately 4 weeks. To be reviewed after this period to see if any activities have taken place during this time.*

## WHO: The identities, where known, of those to be subject of the directed surveillance *(continue on separate sheet if necessary and attach to application ....... pages)*

Give details where known or a description sufficient to assist with their identification. List all subjects continuing on a separate sheet if necessary and attaching these to the completed application. Indicate the number of additional pages in the space provided.

## WHAT: Explain what information is expected to be obtained as a result of the directed surveillance.

Include as much details as possible of what you aim to achieve from this surveillance.

*FOR EXAMPLE: It is expected that we will obtain evidence in a recorded format acceptable to the criminal justice system that will corroborate the evidence of the illegal act and which will support any subsequent prosecution or other formal legal proceedings.*

## Grounds the direct surveillance is necessary under Section 28(3) of RIPA 2000

An authorisation for directed surveillance may be granted by an authorising officer where he believes that the authorisation is necessary in the circumstances of the particular case on the grounds that it is:

a) in the interests of national security

b) for the purpose of preventing or detecting crime or of preventing disorder;

c) in the interests of the economic well-being of the UK;

d) in the interests of public safety;

e) for the purpose of protecting public health

f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or

g) for any other purpose prescribed by an order made by the Secretary of State

*FOR EXAMPLE: For the purpose of preventing or detecting crime or of preventing disorder*

## Explain why this directed surveillance is necessary on the grounds you have identified and why it is proportionate to what it seeks to achieve.

Necessity and proportionality- the person granting authorisation for directed or intrusive surveillance or interference with property, must believe that the activities to be authorised are necessary on one or more statutory grounds.(Q6)

And that they are proportionate to what is sought to be achieved by carrying them out.

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

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.

The following elements of proportionality should therefore be considered:

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

*FOR EXAMPLE:*

*Necessary - The filming of the alleged acts will tend to support or disprove the allegations and potentially provide independent evidence acceptable to a court. If recorded evidence supports the allegations, this will enable justified and proportionate enforcement action to be taken.*

*Proportionate - The victims are being caused alarm, and distress by these incidents which are adversely affecting their quality of life. No-one will be inconvenienced and given the nature of what has been reported, the use of this surveillance method is entirely proportionate to the circumstances.*

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

Before authorising applications for directed or intrusive surveillance, the authorising officer should also take into account the risk of obtaining private information about persons who are not subjects of the surveillance or property interference activity (collateral intrusion).

Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance activity. 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.

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.

*FOR EXAMPLE: The mobile camera will be fixed and pan the area accessible by residents and other members of the public.*

*Where people not involved in crime and disorder (eg passers-by) are inadvertently recorded no attempts will be made to trace them. Should the film be used for evidential purposes or for showing to witnesses or other relevant people, steps will be taken to protect the anonymity of those people not involved.*