RIPA PROCESS FLOW CHART

August 2012

REQUEST, REVIEW, RENEWAL AND CANCELLATION OF DIRECTED SURVEILLANCE or CHIS (Covert Human Intelligence Source)

Requesting Officer ('The Applicant')

- ✓ Read the Corporate Policy & Procedures Document and be aware of any other guidance issued by the Deputy s151 Officer;
- ✓ Determine whether Directed Surveillance and/or a CHIS is required; Under no circumstances can Intrusive surveillance be carried out.
- ✓ Assess whether authorisation is necessary under RIPA and whether it could be carried out overtly;
- ✓ Consider whether surveillance will be proportionate.
- ✓ Assess whether authorisation will be in accordance within the law;
- ✓ **If** authorisation is **Urgent** obtain verbal authorisation (**lasts for 72 hours** and **must** be recorded in writing as soon as possible on relevant White Form A1); and/or B1
- ✓ Apply for authority with a realistic lead-time. If authorisation is approved - Review Regularly.

If a less intrusive option is available and practicable, use that option.

If Urgent verbal authorisation has been granted Form A1 must be authorised within **72 hours**.

If authorisation is necessary and proportionate, prepare and submit an approved Application for Directed Surveillance Form A1 to the Authorised Officer.

Authorised Officer:

- Consider in detail whether all options have been duly considered, including the Corporate Policy & Procedures Document and any other guidance issued by the Deputy s151 Officer;
- Consider whether surveillance is considered to be **necessary and proportionate**;
- Authorise **only** if an overt or less intrusive option is not practicable; Initial authorisation must be for a 3 month period;
- Set an appropriate review date (intervals of not longer than 1 month or 28days after date of initial authorisation) and conduct the review;
- Advise the Audit, Risk and Information Service of the authorised request in order that it may be recorded on the Central Register and be allocated a Unique Reference Number.
- **Forward a copy of the Form A1 to the** Audit, Risk and Information Service **within 1 week of authorisation**

Review Process - Requesting Officer ('The Applicant')

- ✓ REGULARLY REVIEW the request; and each time there is a change in circumstance.
- ✓ URGENT authorisations must be reviewed within **72 hours**.
- ✓ All other Authorisations must be **reviewed** at least monthly or within the time stated (at least 28 days), **and** at least **3 days** prior to the due date **UNLESS** the operation has been cancelled before the due date of expiry and a Cancellation Form completed.
- ✓ COMPLETE the Yellow Review Form A2 and submit to the Authorised Officer on the due date:

Further Review Process
Requesting Officer

If operation is to continue with a further review date complete a Yellow Review Form A2 and submit to Authorised Officer.

Renewal Process
Requesting Officer

If operation is to be renewed as it is still necessary and proportionate, complete a Green Renewal Form A3 and submit to Authorised Officer. (Renewals **MUST** be requested before initial authorisation expires, but no earlier than **5 days before**)

Cancellation Process
Requesting Officer

If operation is no longer necessary or proportionate, complete a Pink Cancellation Form A4 and submit to Authorised Officer

Review, Renewal and Cancellation Process - Authorised Officer

Continue Operation within current authorisation period (Form A2)

- If applicant has forwarded a Review Form A2 recommending continuation of the operation, consider whether surveillance is still necessary and proportionate, taking into account the benefits of the surveillance to date and any collateral intrusion that may have occurred.
- If agreed, set an appropriate date for a further review and authorise form;
- **Forward a copy of the Form A2 to Audit, Risk and Information Service within 1 week of authorisation**

Renew Operation for a further period of authorisation (Form A3)

- If authorisation has been reviewed and reached its due date for expiry but is considered to merit continuation, the applicant must forward a Green Renewal Form A3 recommending renewal;
- Consider whether surveillance is still necessary and proportionate, taking into account the benefits of the surveillance to date and any collateral intrusion that may have occurred.
- If agreed, authorise form;
- Renewal will begin on the day when the original authorisation would have expired;
- In exceptional circumstances renewal may be granted orally in urgent cases but will only last for 72 hours, pending receipt of From A3. If a Renewal Form is not received authorisation ceases and must then be cancelled on Cancellation Form A4.
- **Forward a copy of the Form A3 to the Audit, Risk and Information Service within 1 week of authorisation**

Cancellation of Operation Form (A4)

- All authorisations **MUST** be cancelled immediately, they do not 'Time Out' or 'Expire';
- Therefore if;
  - ➢ following a review;
  - ➢ the authorisation has reached its due date for expiry; or
  - ➢ if the operation is no longer necessary or proportionate

  the applicant must forward a Pink Form A4, Cancellation of Authorisation;
- Consider the reason for Cancellation and the benefits of the surveillance;
- Authorise Cancellation and advise the Audit, Risk and Information Service in order to update the Central Register;
- **Forward a copy of the Form A4 to the Audit, Risk and Information Service within 1 week of Cancellation.**

ESSENTIAL

All Authorised, (and any rejected) Forms for, Review, Renewals and Cancellations **MUST** be sent to your Directorate Coordinator and a copy to the Internal Audit and Risk Manager within 1 week of the relevant event.

NB: If in doubt, ask the Deputy s 151 Officer BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected. Chief Officers will designate a member of staff to be a Directorate Co-ordinator for the purpose of RIPA and advise the Deputy s151 Officer, accordingly.

ALL RECORDS MUST BE RETAINED FOR THREE (3) YEARS FROM DATE OF CANCELLATION