

SOLIHULL MBC – CCTV IMPLICATIONS FROM THE REGULATION OF INVESTIGATORY POWERS ACT 2000

1 THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

8.1 The Regulation of Investigatory Powers Act received Royal Assent in July 2000. The aim of the Act is to ensure that the investigatory powers of the intelligence service, police and the military etc are used in accordance with human rights. The Act provides a basis for authorisation and use by organisations of 'surveillance' (including CCTV) and regulates the techniques employed and safeguards the public from invasions of privacy.

8.1.1 This Act can be used for surveillance in the following categories:

- a. In the interests of national security.
- b. To prevent or detect crime or prevent disorder.
- c. For the economic well being of the United Kingdom.
- d. In the interest of public safety.
- e. For the purpose protecting public health.
- f. Assessing or collecting of any tax, duty or levy.
- g. For any other purpose ordered by the Secretary of State.

8.2 The Act does not cover the use of overt public CCTV systems, as members of the public are aware that such systems exist and are a means of detecting and deterring crime. General CCTV operations to observe public demonstrations or responses to immediate police requests for observation do not need to be authorised under RIPA. However, pre-planned, covert operations to follow known individuals which involve the use of CCTV will need authorisation.

8.2.1 The Act deals with 'covert surveillance', which is divided into two types, 'direct' and 'intrusive'

- a. **Direct Surveillance** is covert but not intrusive and is undertaken:
 - (i) For a specific investigate or a specific operation;
 - (ii) In such a manner as is likely to result in obtaining private information about a person; and
 - (iii) Otherwise than by way of an immediate response to events or circumstances which would not allow time for authorisation to be obtained under this section (26) to carry out surveillance.
- b. **Intrusive Surveillance** is covert surveillance that:
 - (i) Is carried out in any residential premises or any private vehicle and
 - (ii) Involves the presence of an individual or a surveillance device on the premises or in the vehicle.

Authorising Officers

8.3 Authority for covert surveillance and the use or conduct of a covert human intelligence source may only be given by an officer who has been specifically designated and approved. (A list of current officers authorised are set out in Appendix 1 and an up to date list will be published on the Solicitor to the Council pages on the Intranet, where an electronic version of the RIPA policy can also be accessed).

Responsibility for RIPA matters

8.4 The Solicitor to the Council is responsible for corporate co-ordination of matters relating to RIPA. A lead officer (a Solicitor in Legal Services) (referred to in this procedure as the "RIPA co-ordinator) is responsible for the maintenance of the centrally retrievable record of authorisations, renewals, reviews and cancellations giving day to day advice on the application of RIPA to Council Officers and the implementation of officer training.