

Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

24 March 2003

Investigations Policy

Report of the Chief Finance Officer

1. Purpose of the Report

The report asks Cabinet to consider and approve the attached Investigations Policy for formal adoption by the Council.

2. Summary

2.1. The attached Investigations Policy is in response to the Regulation of Investigatory Powers Act 2000, which grants certain powers to local authorities subject to the exercise of those powers being properly authorised.

2.2. The exercise of powers under this act is also subject to scrutiny by the Office of the Surveillance Commissioner. In November 2002, that Office carried out an inspection.

2.3. The attached policy is also in response to the outcome of that inspection.

3. Recommendations

3.1. Cabinet is asked to agree the policy so that it can be adopted.

3.2. Cabinet is also asked to authorise the Town Clerk, in consultation with the relevant Cabinet Lead, to keep the Investigations Policy under regular review and to deal with further development of the policy and any consequential changes.

4. Report

4.1. The provisions of the Regulation of Investigatory Powers Act 2000 came into effect in 2001.

4.2. It grants certain powers to local authorities to carry out investigations, subject to certain constraints and proper authorisation.

4.3. The attached policy provides clear guidance for Council officers to enable them to carry out their duties whilst not breaching the requirements of the Act.

4.4. During November 2002, the Council was subject to inspection by the Office of the Surveillance Commissioner. The recommendations of that inspection were as follows

4.5. The Report concluded that

4.5.1. "Given the Home Office delay in producing its Codes of Practice, the Council cannot seriously be faulted for the fact that its policy documents are still in the final stages of being drafted. When, completed, they will be of a high standard. It is gratifying to find a Council taking its responsibilities under RIPA so seriously, not least in the thoroughness of its training programme, which has been undertaken at no little expense. The policy documents now in draft have been carefully drawn, and show that a great deal of thought and attention is being given to them under the leadership of Mr Goldberg".

4.6. The report went to make the following recommendations

4.6.1. The policy documents which are now in draft should be adopted and implemented as soon as they have been reviewed in the light of this inspection,

4.6.2. The difficulties of Covert Human Intelligence Sources (CHIS) have been noted. It will be necessary to take care in future only to grant authorizations to the Council's own employees.

4.6.3. The lack of consistency in the cancellation of authorisations has been noted, but care must be taken in future to ensure that all cancellations are made at the earliest possible date: in particular it is to be noted that they should on no account be left simply to lapse.

4.6.4. Now that the Home Office Codes of Practice have been promulgated, they should be made available at the Council's offices for consultation by members of the public on request.

4.7. The policy attached to this report addresses the specific recommendations made by the Commissioner.

5. Financial and Legal Implications

There are legal implications arising from a failure to follow this policy, including potential for evidence gathered improperly to be inadmissible in court proceedings.

6. Crime and Disorder Implications

Investigations carried out in accordance with this policy will ensure that evidence gathered will be admissible in subsequent legal proceedings.

7. Human Rights Act

The Act provides a legal defence to the suspension of an individual's right to respect for private and family life under Article 8 of the Human Rights Act 1998.

8. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting Information
Equal Opportunities	N	-
Policy	N	-
Sustainable and Environmental	N	-
Elderly/People on Low Income	N	-

9. Background papers –

Regulation of Investigatory Powers Act 2000

Lawful Business Practice (Interception of Communications) Regulations 2000

The Regulation of Investigatory Powers Act (Prescription of Offices, Ranks and Positions) Regulations 2000

Files held by Internal Audit

10. Consultations

All Corporate Directors have been consulted on the content of the policy.

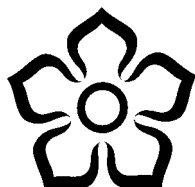
11. Report Author

Laurie Goldberg, Head of Audit, Financial Services, Resources, Access and Diversity Department, Ext 7402

Mark Noble
Chief Finance Officer

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



Leicester
City Council

FINAL dated 19 February 2003

INVESTIGATIONS POLICY

A Guide for those who may be involved in investigations

A separate Guide deals with prosecutions by the Council and referring matters for Police investigations.

C O N T E N T S

1. Policy Statement
2. The Law's Requirements
 - 2.1 Regulation of Investigatory Powers Act 2000 (RIPA)
 - a) Council Investigations Covered
 - b) The Authorisation Procedure
 - c) Interception of Communications
 - d) CCTV
 - 2.2 Other legislation covering investigations
3. Disciplinary Investigations
4. Procedural Issues
 - 4.1 Training
 - 4.2 Maintenance of records
 - 4.3 Qualifications for Investigators
 - 4.4 Police and other Liaison Arrangements
 - 4.5 Health and Safety of Investigators
5. Review of the Policy
6. Appendices
 - Appendix 1 Officers Who May Authorise Directed Surveillance And Use of CHIS
 - Appendix 2 Central Register of Authorisations-Register formats
 - Appendix 3 Decision Trees
 - Summary
 - Directed Surveillance
 - Covert Human Intelligence Sources (CHIS)
 - Interpretation of terms
 - Appendix 4 Summary of Responsibilities by Officer

1. POLICY STATEMENT

LEICESTER CITY COUNCIL IS EMPOWERED TO ENFORCE A WIDE RANGE OF LEGISLATION, AND IN DOING SO, IS COMMITTED TO ENSURING THAT THOSE POWERS ARE USED APPROPRIATELY. INVESTIGATIONS CARRIED OUT IN PURSUIT OF THESE POWERS WILL ALWAYS BE PERFORMED WITH DUE REGARD TO THE RIGHTS OF CITIZENS AND EMPLOYEES.

THIS POLICY SUMMARISES THE RESPONSIBILITIES OF MANAGEMENT AND OUTLINES THE PROCEDURES TO BE FOLLOWED WHERE INVESTIGATIONS MAY BE CARRIED OUT IN PURSUIT OF THIS POLICY.

2 THE LAW'S REQUIREMENTS

2.1 Regulation of Investigatory Powers Act 2000 (RIPA)

This act provides a legal defence to the suspension of an individual's right to respect for private and family life under Article 8 of the Human Rights Act 1998 to allow the obtaining of [private information](#) about that individual, if conducted for one or more of the following reasons

- In the interests of national security
- For the prevention or detection of 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 protection of public health
- For the purposes of assessing or collecting any tax, levy or other imposition, contribution or charge payable to a government department

and the action is necessary and proportionate to what is sought to be achieved.

Evidence gathered in accordance with this act will be admissible in criminal proceedings. Proper authorisation should ensure the suitability of such evidence under section 78 of the Police and Criminal Evidence Act 1984, the Human Rights Act 1998 and common law.

General observation and surveillance, of which the subject is aware, are not covert and therefore are not within these requirements.

Two types of [covert](#) activity are covered:

[Directed Surveillance](#), which is:

- Covert (that is, calculated to ensure that the subject is unaware it is taking place);
- Not [intrusive](#)¹
- Undertaken for a specific investigation or operation in a way likely to obtain [private information](#) about a person; and
- Not an immediate response to events, which would otherwise make seeking authorisation under RIPA unreasonable (for example, spotting something

¹ The Council is NOT authorised to carry out intrusive surveillance.

suspicious and continuing to observe it; or routine observation of staff as part of managing them and their work).

[Covert Human Intelligence Sources](#) (CHIS), which are:

- Persons who establish or maintain a personal or other relationship (such as a business transaction) for the covert purpose of helping the covert use of the relationship to obtain private information.

a) **COUNCIL INVESTIGATIONS COVERED**

Investigations in the following areas potentially involve Directed Surveillance or the use of CHIS:

- Environmental Health
- Planning
- Licencing
- Child Protection
- Trading Standards
- Audit
- Anti-Social Behaviour
- CCTV
- Investigations into the actions of employees that may result in disciplinary action

This list is not exhaustive and managers must remain alert to the requirements of RIPA, whenever they consider, conduct or authorise any investigative activity.

The use of [covert surveillance](#) must at all times be

- necessary
- proportionate
- not of excessive duration.

Covert investigations would be expected to be the “action of last resort” and every effort should be taken to ensure all other possible processes have been considered and/or used, before considering whether covert surveillance should be used. **It is the responsibility of each Manager to ensure that, within their areas of responsibility, approaches that require authorisation under this Policy are either avoided, or carried out in accordance with this policy.**

Whilst the use of CHIS is within the powers of the Council, it is expected that occasions when such a use is justified will be exceptional.

The powers granted under this Act relate only to people employed or whose actions are controlled by the Council. This relates primarily to the operation of Covert Human Intelligence Sources, and care must be taken to ensure that authorisations granted do not exceed the powers available.

b) THE AUTHORISATION PROCEDURE

The Regulation of Investigatory Powers Act (Prescription of Offices, Ranks and Positions) Regulations 2000, specify that the officers of the Council who can authorise surveillance under RIPA must be

- Of the rank (sic) of at least Assistant Chief Officer or
- An officer responsible for the management of an investigation.

The Town Clerk shall be the officer nominated to approve arrangements made by Corporate Directors for the nomination of officers to authorise surveillance for the purposes of RIPA.

Each Corporate Director is responsible for:

- Making arrangements to nominate authorising officers within their department in accordance with the regulations.
- Maintaining a list of such approvals relating to their departmental responsibilities.
- Informing the Town Clerk of the identities of those officers who may issue authorisations as part of their duties.
- Establishing appropriate arrangements for authorising actions under RIPA in the absence of the nominated authorising officer(s).
- Keeping the Department's list of Authorising Officers up-to-date and informing the Town Clerk of any changes required.
- Taking all steps to ensure that no unauthorised Directed Surveillance or use of CHIS takes place in the Department, and that those that are authorised comply with this Policy.
- Ensuring all officers carrying out investigations and authorising directed surveillance or the use of CHIS, receive appropriate training in the requirements of the act.

The current list of Authorising Officers and the scope of their powers is attached as [Appendix 1](#).

The Service Director (Legal Services) shall be the officer nominated as responsible for maintaining a central register of authorisations issued under RIPA. This includes carrying out regular reviews of the content of the register to ensure its accuracy and completeness.

This format of the register is set out in [Appendix 2](#)

Each authorisation must be evidenced by completion of the relevant form(s), a copy of which shall be sent to the Service Director (Legal). The forms, together with aide memoirs to assist completion can be downloaded from the [Internal Audit Website](#). The Authorising Officer must ensure that the forms are completed with sufficient particulars to define the nature and duration of what is being authorised, and to justify it, particularly in terms of necessity, proportionality and duration.

The forms for completion are subject to review by officers from the Office of the Surveillance Commissioner, and must therefore be capable of presenting all the

relevant information taken into account when an authorisation is granted or amended, without recourse to records held by the officer requesting authorisation.

Where the product of surveillance could be relevant to future legal proceedings, it should be retained in accordance with established disclosure requirements as set out in the Criminal Procedure and Investigations Act 1996 (CPIA).

RIPA states that authorisations for directed surveillance can only be issued for three months (Directed Surveillance) or twelve months (for CHIS) from the date of authorisation.

An authorisation may be renewed for a further period by the Authorising Officer, provided the relevant criteria still apply and the authorisation procedure is followed. Authorisations may be renewed more than once if the relevant criteria continue to apply.

The Authorising Officer must regularly review the continued need for each authorisation. This should be done no more than every 28 days from the date of issue, review or renewal. The Authorising Officer, if satisfied that it is no longer necessary, must cancel an authorisation. If a CHIS is being used, the safety and welfare of the source should be considered.

Authorisations must not be allowed to “time-expire”. As soon as the objectives of the investigation have been achieved, or it is determined that the investigation is no longer appropriate, the authorisation must be cancelled.

The Authorising Officer is also responsible for:

- Ensuring each authorisation and investigation complies with statutory Codes of Practice and this Policy.
- Maintaining records of the course of the investigation, including statutory particulars required for inclusion in the central register (as set out in [Appendix 2](#)).
- Providing copies of all forms used (application, review, renewal and cancellation), properly and completely recording the actions taken, to the Service Director (Legal Services) to ensure the Central Register is maintained.

In order to assist officers in determining whether the provisions of RIPA apply in any particular case, a decision tree is attached as [Appendix 3](#).

Where there is any doubt as to the applicability of RIPA to any particular investigation officers are strongly advised to seek advice and guidance from the Contracts and Security Manager (IT Services) who, in considering how to respond, shall consult Legal Services, the Human Resources Unit and/or Internal Audit and any other relevant authorities.

Corporate Directors should consider whether specific guidance for their staff should be produced, and where this is deemed necessary, that all staff are advised of the existence and trained in the use of that guidance.

Reference can also be made to the Home Office Code of Practice on the use of Directed Surveillance and Covert Human Intelligence Sources, which is available on the Home Office website as follows

CHIS <http://www.homeoffice.gov.uk/ripa/covhis.htm>
Surveillance <http://www.homeoffice.gov.uk/ripa/covsurv.html>

The Code of Practice is also available on the City Council Website and [intranet](#) and a paper copy is available on request from the Chief Finance Officer.

c) INTERCEPTION OF COMMUNICATIONS

When it forms part of covert activity (as defined above), the interception of communications requires authorisation. This applies to direct or electronic monitoring, recording or diverting communication in any form; spoken, by letter, by telephone, by e-mail. Both internal and external communications are covered. Unlawful interception could lead to legal proceedings against the Council.

Provided RIPA authorisation is given where necessary, certain employee communications can be intercepted without the employee's consent under the Lawful Business Practices (Interception of Communications) Regulations 2000. The interception must however be within the confines of a work environment, and be for one of the following purposes:

- To ascertain compliance with regulatory or self-regulatory practices or procedures relevant to the Council.
- To ascertain or demonstrate standards which are or ought to be achieved by employees in the system.
- To prevent or detect a crime².
- To investigate or detect the unauthorised use of telecommunication systems.
- To ensure the efficient operation of the systems.

[The Council's code of conduct for behaviour at work](#) states that

"A record of telephone calls, E-Mail and Internet facilities is made by the Council for the purposes of measuring the use of these facilities. This information may be used to identify unauthorised use. You should be aware that there can be no expectation of any privacy of personal material stored on Council computers".

Within this context, reviews of E mail, computer or telephone logs are not within the scope of RIPA as regards authorisation. However, due regard should always be had to the requirements of RIPA in relation to any covert surveillance that may result from such reviews.

For this reason, requests for reviews of E-mail, computer or telephone logs or of the content of individual personal computers should be backed up by the completion of Form B copies of which can be downloaded from the [Internal Audit Website](#). This form must be submitted to the Head of Audit, Resources Access and Diversity

² For this purpose, the prevention or detection of a loss to the Council would constitute a crime
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Department, for approval. Aide memoirs are also available on the [Internal Audit website](#) to assist completion of the form.

d) CCTV

The Council operates CCTV systems, the use of which is subject to codes of practice.

Where CCTV cameras are readily visible to anyone walking around the area, their use is not governed by RIPA.

However, if the cameras are used as part of an operation to observe a known individual or group it is very likely that RIPA will apply and an appropriate authorisation will be required.

2.2 Other legislation covering investigations

When carrying out any investigation under this policy, the requirements of other relevant legislation should always be adhered to. This includes specifically but not exclusively

- Police and Criminal Evidence Act 1984
- Human Rights Act 1998 (HRA)
- Data Protection Act 1998
- Social Security Fraud (Administration) Act 1997
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Freedom of Information Act (FOIA)
- Children Act 1989
- Education Act 2002

Advice on the implications of the legislation listed can be obtained from the Service Director (Legal Services).

3. DISCIPLINARY INVESTIGATIONS

Any investigation carried out in these circumstances must conform to the requirements of the [Council's Disciplinary Procedure](#).

RIPA does not apply to disciplinary investigations unless covert surveillance is used as part of such an investigation, when you must follow and document the procedures contained in this policy.

Observations by managers of members of their staff, carried out as part of routine management tasks, do not need authorisation. However, if as a result of such routine monitoring, further [covert](#) action is felt necessary, authorisation must be obtained as described in this policy.

Each Corporate Director must ensure that, where a disciplinary or other staff-related investigation requires Directed Surveillance or use of a CHIS, the necessary RIPA authorisation is obtained. For this purpose, the Service Director (HR & Equalities), shall be the authorising officer.

The Service Director (HR & Equalities), shall ensure that all Personnel Officers are appropriately briefed and managers advised of the requirements of this policy in relation to actions taken under the Disciplinary Procedure.

4 PROCEDURAL MATTERS

4.1 Training

- The Service Director (Legal Services) shall
 - ensure that appropriate training is made available to all authorising officers identified within this policy.
 - ensure that appropriate training is made available to managers so as to raise awareness of the policy and its application
- Corporate Directors should
 - ensure that all officers carrying out investigations receive appropriate training in the application of their powers and the law.
 - ensure that all managers are aware of this policy and receive appropriate training and briefing on its application.

4.2 Maintenance of Records

- Corporate Directors shall determine the requirements for maintaining records of investigations carried out, so that the requirements of the Criminal Procedures and Investigations Act 1996, and other relevant legislation or internal procedures (i.e. the Council's disciplinary procedure) are fully met.

4.3 Police and other Liaison Arrangements

- Corporate Directors shall
 - be responsible for ensuring appropriate liaison arrangements exist between the Council and the Police so as to ensure that investigations involving criminal offences are properly handled and the Council's Prosecutions Policy is adhered to.
 - ensure appropriate liaison arrangements with other agencies (e.g. HSE, Food Standards Agency, Environment Agency) are in place to and adhered to.

4.4 Health and Safety of Investigators

- Corporate Directors shall take all reasonable steps to protect the Health and Safety of investigators and where appropriate of third parties involved with investigations (i.e. CHIS). This should include the carrying out of risk assessments.

5 REVIEW OF THE POLICY

This Policy, and the effectiveness of its implementation, will be reviewed annually within the Corporate Governance cycle. The Service Director (Legal Services) will lead this. An assessment and any proposed changes will be included in the Town Clerk's Corporate Governance Annual Report.

**OFFICERS WHO MAY AUTHORISE RIPA
DIRECTED SURVEILLANCE AND USE OF CHIS**

Post	Department	Authorised for
Town Clerk	Resources, Access and Diversity	Directed Surveillance or use of CHIS involving elected members of the authority
Service Director (Legal Services)	Resources, Access and Diversity	Directed Surveillance or use of CHIS involving elected members of the authority
Service Director (HR & Equalities)	Resources, Access and Diversity	Directed surveillance or use of CHIS deemed to be required as part of action under the Council's Disciplinary Procedure.
Head of Audit	Resources, Access and Diversity	Directed surveillance or use of CHIS by officers of Internal Audit
Corporate Director	Environment, Regeneration and Development	All activities covered by officers of department ³
Service Director (Regulatory Services)	Environment, Regeneration and Development	All activities covered by officers of department
Service Director (Planning and Sustainable Development)	Environment, Regeneration and Development	All activities covered by officers of department
	Environment, Regeneration and Development	All activities covered by officers of department
	Environment, Regeneration and Development	All activities covered by officers of department
	Environment, Regeneration and Development	All activities covered by officers of department

³ Trading Standards, Environmental Health (Noise, Flytipping, Street Trading, Licencing, Consumer Protection, Planning Development Control)

**OFFICERS WHO MAY AUTHORISE RIPA
DIRECTED SURVEILLANCE AND USE OF CHIS**

Post	Department	Authorised for
Service Director (Regeneration)	Environment, Regeneration and Development	All activities covered by officers of department

Register of Authorisations- Directed Surveillance

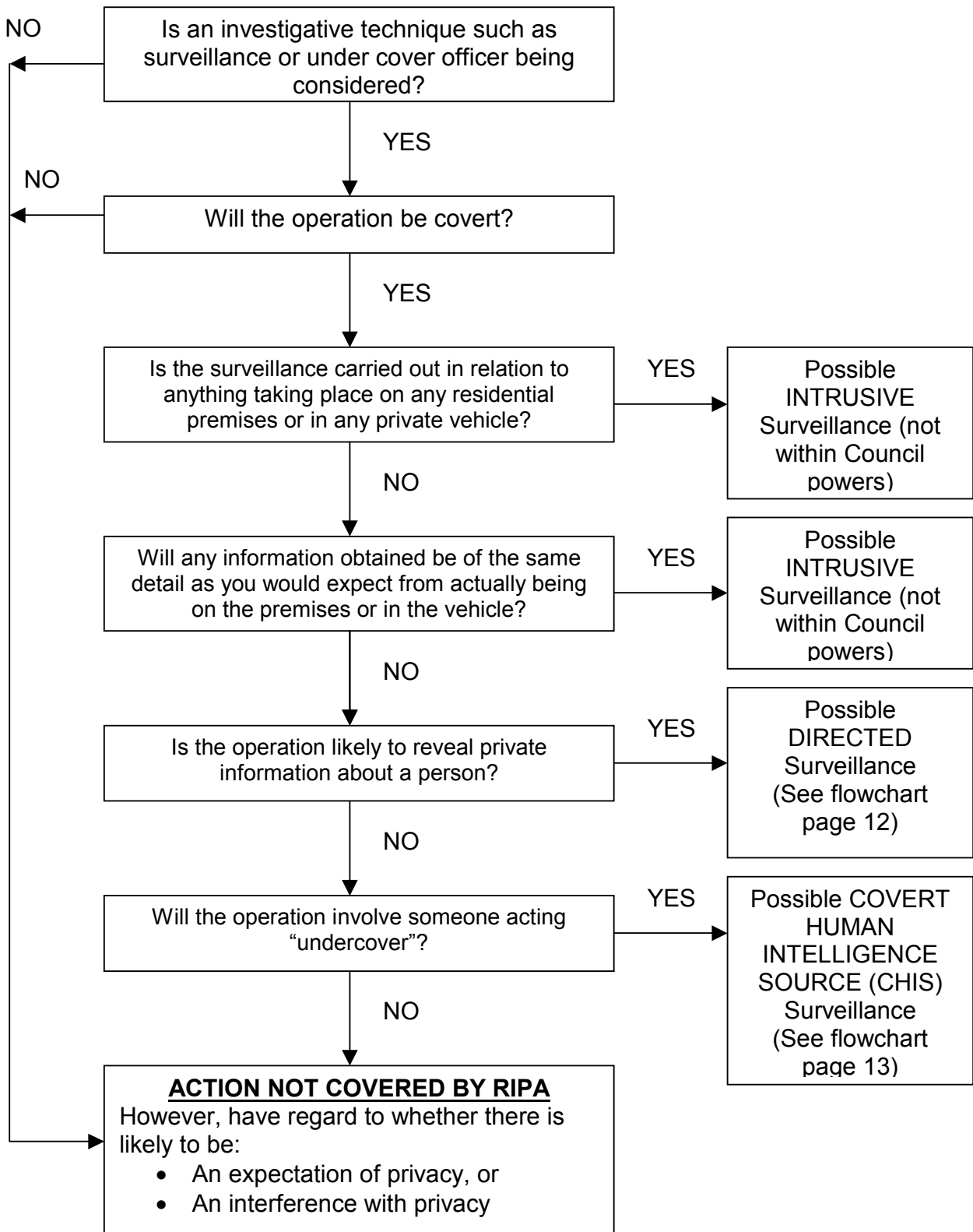
Type of authorisation	CHIS/DS
Date authorisation granted	
Name and post of the authorising officer	
Unique reference number (URN) of the investigation or operation	
title of the investigation or operation, including a brief description and names of subjects, if known;	
Where the urgency provisions used, and if so why.	
Was the authorisation renewed ?	
If so when it was renewed and who authorised the renewal, including the name and post of the authorising officer;	
Is the investigation or operation likely to result in obtaining confidential information as defined in this code of practice;	
Date the authorisation was cancelled.	

Register of Authorisations- Covert Human Intelligence Sources

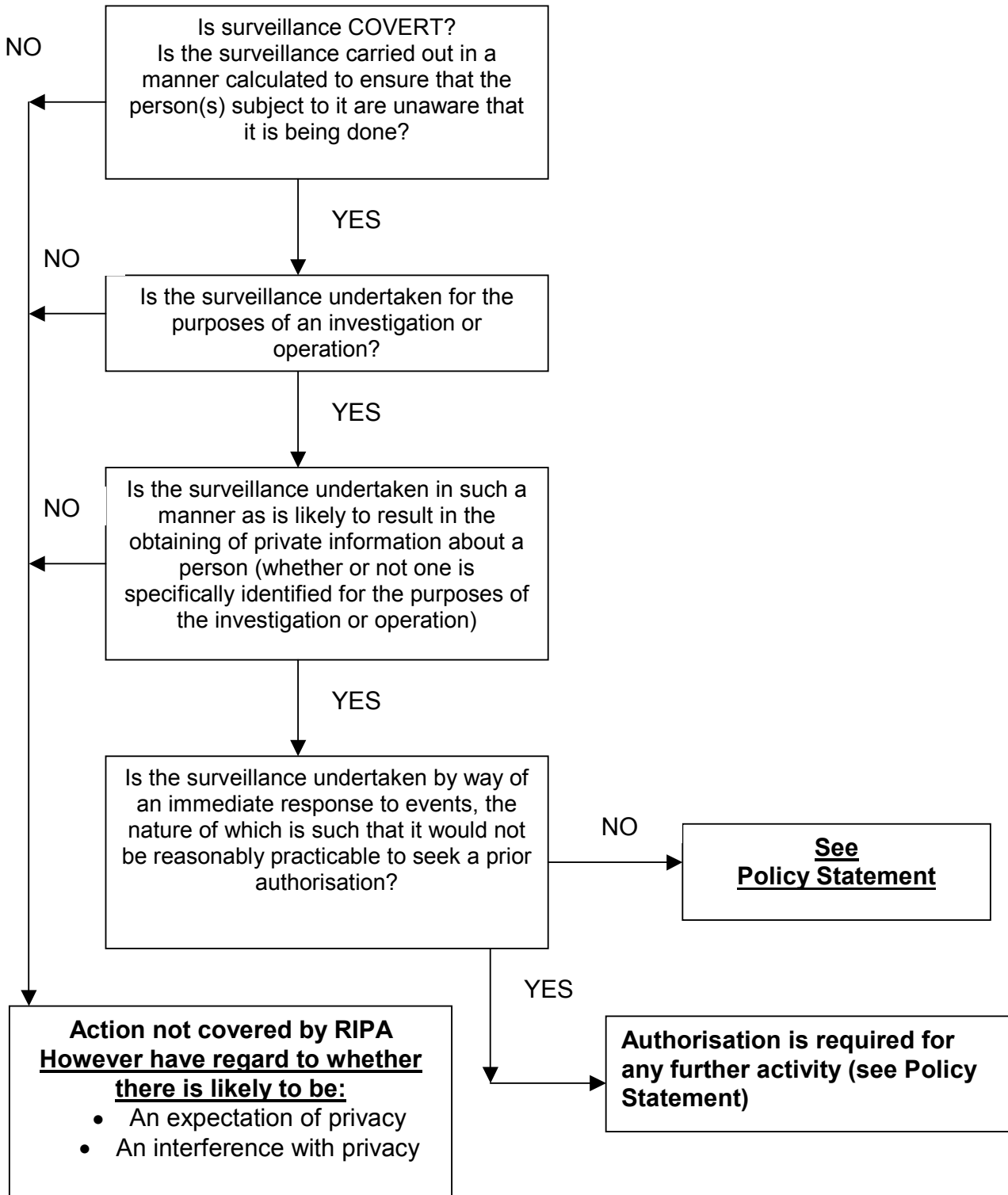
A	Identity of the source;	
B	Identity, where known, used by the source	
C	Any relevant investigating authority other than the authority maintaining the records	
D	Means by which the source is referred to within each relevant investigating authority;	
E	Other significant information connected with the security and welfare of the source;	
F	Confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in (D) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;	
G	The date when, and the circumstances in which, the source was recruited;	
H	The identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);	
I	The periods during which those persons have discharged those responsibilities;	
J	The tasks given to the source and the demands made of him in relation to his activities as a source;	
K	All contacts or communications between the source and a person acting on behalf of any relevant investigating authority;	
L	The information obtained by each relevant investigating authority by the conduct or use of the source;	
M	Any dissemination by that authority of information obtained in that way;	
N	In the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.	

Process Decision Tree

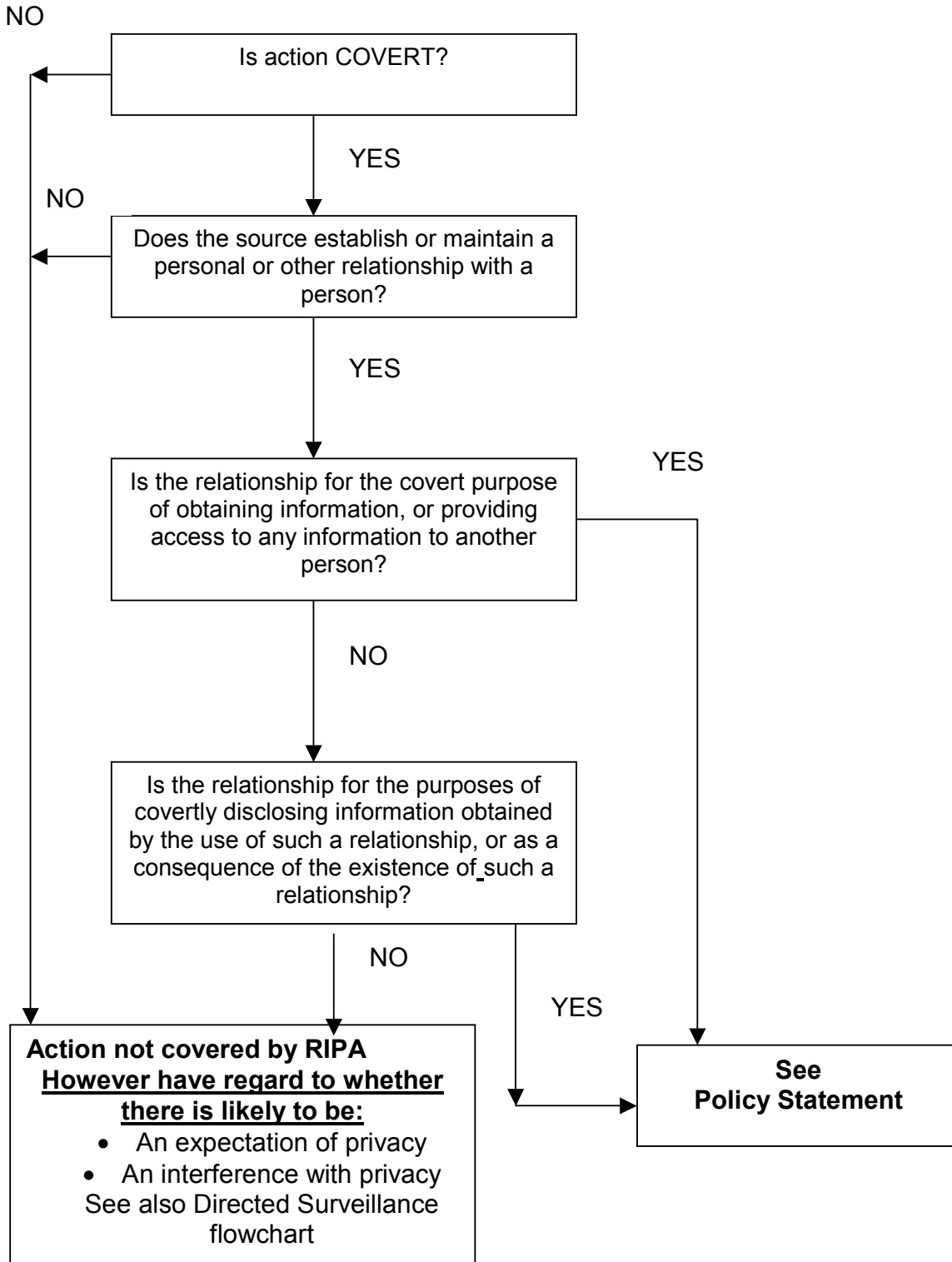
Summary



DIRECTED SURVEILLANCE



COVERT HUMAN INTELLIGENCE SOURCES



Interpretation of Terms

<u>Term</u>	<u>Guide to Interpretation</u>
<u>Surveillance</u>	includes: a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications and, for the purposes of <i>RIPA</i> , the term persons includes “any organisation and any association or combination of persons”, this will include limited companies, partnerships, co-operatives etc; b) recording anything monitored, observed or listened to in the course of surveillance; c) surveillance by or with the assistance of a surveillance device.
Covert Surveillance	Covert surveillance is that carried out in a manner calculated to ensure that person subject to surveillance are unaware it is or may be taking place. If activities are open and not hidden from the persons subject to surveillance, the <i>RIPA</i> framework does not apply.
Directed surveillance	Surveillance is ‘Directed’ for the purposes of <i>RIPA</i> if it is covert, but not intrusive (see below) and is undertaken : a) for the purposes of a specific investigation or a specific operation; and b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the surveillance.
Intrusive surveillance	Is carried out in relation to anything taking place on any “residential premises” or in any “private vehicle”; and a) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device; or b) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle but is carried out without that device being present on the premises or in the vehicle, where the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. <u>NB The Council cannot carry out intrusive surveillance</u>
Covert Human Intelligence Source (CHIS)?	A person is a Covert Human Intelligence Source if: a) the source establishes or maintains a personal or other relationship with a person for the covert purpose (see below) of facilitating the doing of anything falling within paragraph b) or c) below. b) the source covertly uses such a relationship to obtain

Interpretation of Terms

Term	Guide to Interpretation
	information or provide access to any information to another person; or c) the source covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.
Covert Purpose	A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if, and only if , the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose behind the relationship.
Private Information	Private information is any information relating to a person's (see the definition in surveillance above) private or family life. <i>For example, if part of an investigation is to observe a member of staff's home to determine their comings and goings then that surveillance would, almost certainly, gather private information, as would surveillance of an individual selling counterfeit goods as the surveillance may provide information about the earnings that the person made from the sales.</i>
Confidential Material	a) matters subject to legal privilege; b) confidential personal information; or c) confidential journalistic material.
Matters subject to legal privilege	Matters subject to legal privilege includes both oral and written communications between a professional legal adviser and his/her client (or any person representing hi/her client) made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege.
Confidential Personal Information	Information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relating: a) to his/her physical or mental health; or b) to spiritual counseling or other assistance given or to be given, and which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office. It includes both oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if: c) it is held subject to an express or implied undertaking to hold it in confidence; or d) it is subject to a restriction on disclosure or an obligation of secrecy contained in existing or future legislation.
Confidential	Includes material acquired or created for the purposes of

Interpretation of Terms

Term	Guide to Interpretation
Journalistic Material	journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

Summary of Responsibilities by Officer

Officer	Responsibilities
Town Clerk	To approve arrangements made by Corporate Directors for the nomination of officers to authorise surveillance for the purposes of RIPA.
Service Director (Legal Services)	Maintain central register of authorisations
	Verify accuracy and completeness of central register at least annually
	Ensure that appropriate training is made available to all authorising officers identified within this policy.
	Ensure that appropriate training is made available to managers so as to raise awareness of the policy and its application
	Review the policy and report on its operation to the Town Clerk as part of the Council's Local Code of Corporate Governance
	Provide advice on the implications of the legislation listed in the policy in response to requests from Corporate Directors.
Service Director (HR & Equalities)	To act as Authorising officer in connection with directed surveillance or use of CHIS arising through the use of the Council's Disciplinary Procedure
	Ensure that all Personnel Officers are appropriately briefed and managers advised of the requirements of this policy in relation to actions taken under the Disciplinary Procedure.
Corporate Directors	Make arrangements to nominate authorising officers within their department in accordance with the regulations.
	Inform the Town Clerk of the identities of those officers who may issue authorisations as part of their duties.
	Maintain a list of such approvals relating to their departmental responsibilities
	Establishing appropriate arrangements for authorising actions under RIPA in the absence of the nominated authorising officer(s).
	Keeping the Department's list of Authorising Officers up-to-date and informing the Town Clerk of any changes required.

Summary of Responsibilities by Officer

Officer	Responsibilities
	Taking all steps to ensure that no unauthorised Directed Surveillance or use of CHIS takes place in the Department, and that those that are authorised comply with this Policy.
	Ensuring all officers carrying out investigations and authorising directed surveillance or the use of CHIS, receive appropriate training in the requirements of the act.
	Consider whether specific guidance for their staff should be produced, and where this is deemed necessary, that all staff are advised of the existence of and trained in the use of that guidance.
	Ensure that, where a disciplinary or other staff-related investigation requires Directed Surveillance or use of a CHIS, the necessary RIPA authorisation is obtained.
	Determine the requirements for maintaining records of investigations carried out, so that the requirements of the Criminal Procedures and Investigations Act 1996, and other relevant legislation or internal procedures (i.e. the Council's disciplinary procedure) are fully met.
	Ensuring appropriate liaison arrangements exist between the Council and the Police so as to ensure that investigations involving criminal offences are properly handled and the Council's Prosecutions Policy is adhered to.
	Ensure appropriate liaison arrangements with other agencies (e.g. HSE, Food Standards Agency, Environment Agency) are in place and adhered to.
	Take all reasonable steps to protect the Health and Safety of investigators and where appropriate of third parties involved with investigations (i.e.CHIS). This should include the carrying out of risk assessments.
Authorising Officers	Ensuring each authorisation and investigation complies with statutory Codes of Practice and this Policy.

Summary of Responsibilities by Officer

Officer	Responsibilities
	<p>Maintaining records of the course of the investigation, including statutory particulars (as set out in Appendix 2).</p> <p>Providing copies of all forms used (application, review, renewal and cancellation), properly and completely recording the actions taken, to the Service Director (Legal Services) to ensure the Central Register is maintained.</p> <p>Regularly review (at least once every 28 days) the continued need for each authorisation and cancel or amend such authorisation accordingly.</p>
Head of Audit, Resources Access and Diversity	Act as authorising officer for departments, which do not have an authorising officer duly appointed.
All Managers	To ensure that, within their areas of responsibility, approaches that require authorisation under this Policy are either avoided, or carried out in accordance with this Policy.