Appendix 2

RIPA POLICY SECTION	SUGGESTED CHANGES	REASON FOR CHANGE
Application for Authority paragraph. Page 3	Inserted: 'See flowchart at Appendix B'.	Administrative change
Central Register and Records Paragraph. Page 4	Inserted: Senior Responsible Officer ("SRO") The Senior Responsible Officer is a role required by the Investigatory Powers Commissioners Office (IPCO) with oversight of the Council's use of RIPA powers. The SRO is the Council's Chief Executive and will only act as an Authorising Officer in exceptional circumstances to avoid any conflicts with the SRO role. RIPA Co-ordinating Officer The RIPA Co-ordinating Officer has the responsibility for day-to-day RIPA management and any administrative processes observed in obtaining authorisation and advice thereon and this role is performed by the Head of Legal and Deputy Monitoring Officer	Provide more clarity in terms of roles and responsibilities
Definitions Paragraph 5.3 Page 8	Deleted: S.26 (2) ~~(2)~~ Replaced with: S.26 (2) (C)	Administrative change.
Benefits of RIPA authorisation Paragraph 5.9 Page 10	Deleted: see APPENDIX ~~H~~ Replaced with See APPENDIX G	Administrative change.

Special Considerations in respect of social networking sites Paragraph 6.4 Page 11	Deleted: 6.4 Special considerations in respect of social networking sites The fact the digital investigations are routine, easy to conduct or apparently public does not reduce the need for authorisation. Any surveillance carried out on the internet must be carried out in accordance with this policy if the criteria are met. Guidance issued by the Investigatory Powers Commissioners Office in connection with the use of Social Media offers the following: “Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same. Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases, data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.	Guidance no longer available, deleted reference to it and inserted relevant wording setting out Council’s position regarding social media sites.

	Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content). It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws. A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done)." Replaced with: Online covert Activity The use of the internet and social media sites may be required to gather information prior to and	

	during an operation/investigation. Officers should exercise caution when utilising such sites during an investigation and be alert to situations where authorisations under RIPA may be required If Officers have any concerns over the use of social media during an investigation they should contact the Head of Legal and Deputy Monitoring Officer. As a general rule of thumb however, reviewing open-source sites such as facebook pages where no privacy settings are in place does not require an authorisation under RIPA unless reviews are carried out often usually to build a profile, when directed surveillance authorisation may be required. Use of the internet prior to an investigation should not normally engage privacy considerations but where observing an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, a RIPA authorisation may be required. If the Officer then, for the purposes of gleaning intelligence breaches privacy controls and becomes for example a "friend" within a subject's facebook account, utilising a pseudo account to conceal his/her identity as a Council official, this is a covert operation which, by its	

	nature, is intended to obtain private information and should be authorised as a minimum as directed surveillance. If the Officer engages in any form of relationship with the account operator then s/he is likely to become a CHIS requiring authorisation and management by a Controller and Handler with a record being kept and a risk assessment created. In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject knowing that surveillance is or may be taking place. This is regardless of what privacy settings the individual may have in place.	
Covert Human Intelligence Paragraph 7 Page 12	Inserted: (section 26 (8) …)	Administrative change
Renewals Paragraph 11 Page 22	Deleted '0' so now reads 8.1	Administrative change
Appendix F Page 33	Deleted: 'Head' Inserted: Assistant Director	Administrative Chage
Appendix F Page 33	Deleted: 'Head of Housing' Inserted: Interim Director of Housing, Environmental Health and Communities'.	Administrative change