



CCTV – Use of For Surveillance

Policy

Regulation of Investigatory Powers Act 2000 ("RIPA") Authority

Procedure

Introduction

- 1.1 To explain how Surrey Police Officers can use CCTV for surveillance under the Regulation of Investigatory Powers Act 2000 ("RIPA") authorities in pursuance of a policing purpose.
- 1.2 This procedure provides advice on using CCTV for surveillance and for obtaining the necessary Regulation of Investigatory Powers Act 2000 ("RIPA") authority.
- 1.3 Surveillance can only be for certain purposes. The most common purpose used by police is the prevention or detection of crime or preventing disorder. It may also be authorised to apprehend a suspected offender.

2. RIPA and Surveillance

- 2.1 RIPA relates to covert surveillance by police and other agencies.
- 2.2 Surveillance includes monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications. Such surveillance is covert if it is carried out in a manner that is calculated to ensure that persons, who are subject to the surveillance, are unaware that it is, or may be, taking place.
- 2.3 RIPA, therefore, only applies to covert surveillance.

3. Requirement for RIPA authority

CCTV systems openly used by councils or commercial companies to monitor public places are not subject to RIPA in the normal course of their operation. If they are used for pre-planned covert operations they will, however, require a RIPA authority.

4. Directed surveillance

- 4.1 The use of CCTV systems may require a RIPA authority if they are used for Directed Surveillance.
- 4.2 Directed Surveillance is when the use of the CCTV system: * is covert but is not intrusive. Intrusive surveillance is monitoring inside a residence or private vehicle (but not a taxi for hire) and requires a separate RIPA authority; * is undertaken for the purposes of a specific investigation or a specific operation; and * will or is likely to gain private information from any person (not just the target).
- 4.3 Private information is any information about a person's family life or personal relationship with others.
- 4.4 If an officer wishes to use CCTV for an operation, they must justify and record their belief of the likelihood of obtaining private information. If there is, a credible likelihood of obtaining private information they must obtain a RIPA authority.
- 4.5 People simply walking down a public street are associating in public and have little expectation of privacy. Directed Surveillance authority is not therefore required to record or monitor the fact they are simply in a public place, but this would be required if repeated recording and monitoring established a pattern of behaviour. This is because the totality of information obtained by repeated monitoring may build up piece by piece a picture of private information even if individual recordings do not, and this would therefore require Directed Surveillance authority.

5. Spontaneous events

- 5.1 In order to allow the police to respond to spontaneous and otherwise unexpected events as they occur (for example, monitoring a street robbery), the legislation states that no authority is required in response to immediate events or circumstances. Also, if it is clear that a crime is in progress the offender can have no expectation of privacy and no authorisations for directed surveillance will be required to monitor the criminal act alone.
- 5.2 The impact for staff, in the control rooms and CCTV monitoring centres, is that there might be cause to monitor, for some time, a person or premises using the cameras. In most cases this will be an immediate response to events or circumstances and would not require authorisation unless it were to continue for some time.