

# Kent County Council

## Policy in relation to the Regulation of Investigatory Powers Act 2000

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## 1. Introduction to Regulation of Investigatory Powers

This policy document is based on the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) as amended, The Protection of Freedoms Act 2012 and the Home Office's Code of Practices for Directed Surveillance, Covert Human Intelligence Sources (CHIS) and Acquisition and Disclosure of Communications data.

Links to the above documents can be found at:

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

<http://www.legislation.gov.uk/ukpga/2012/9/contents>

<https://www.gov.uk/government/collections/ripa-codes>

- 1.1 Surveillance plays a necessary part in modern life and law enforcement. It is used not just in the targeting of criminals, but also as a means of preventing crime and disorder. The Regulation of Investigatory Powers Act 2000 (RIPA) introduced a system of authorisation and monitoring of activities, to ensure that the rights of the individual were not unnecessarily compromised, in the pursuance of regulatory compliance.
- 1.2 Within the County Council, Trading Standards Officers may need to covertly observe and then visit a shop, business premises or to follow a vehicle as part of their enforcement functions. During a visit or a test purchase situation it may be necessary to covertly video record a transaction, as it takes place. Environmental crime enforcement staff may also need to observe or record at places where illegal tipping or other similar crimes take place. Similarly, KCC's Internal Audit fraud investigators may need to carry out covert surveillance or acquire communications data when they are investigating a crime which they intend to prosecute using the criminal law. They need to use covert surveillance techniques as part of their official duties.
- 1.3 Only those officers designated as "authorising officers" from the specified units or services are permitted to authorise the use of techniques referred to in RIPA. Trading Standards may use Covert Directed Surveillance, Covert Human Intelligence Sources and acquisition of communications data. Environmental Crime enforcement team may use Covert Directed Surveillance and acquisition of communications data. Internal Audit fraud investigators may use Covert Directed Surveillance and acquisition of communications data. The Director of Governance and Law may also be designated as an "authorising officer".
- 1.4 Covert Directed Surveillance is undertaken in relation to a specific investigation or operation, where the person or persons subject to the surveillance are unaware that it is, or may be, taking place. The activity is also likely to result in obtaining private information about a person, whether or not it is specifically for the purpose of the investigation.
- 1.5 Our investigations may also require the use of Covert Human Intelligence Sources (CHIS). These may be under-cover officers, agents or informants. Such sources may be used by the County Council to obtain and pass on information about another person, without their knowledge, as a result of establishing or making use of an existing relationship. This clearly has implications as regards the invasion of

a person's privacy and is an activity which the legislation regulates. A CHIS (other than our own staff) would be used only rarely and in exceptional circumstances.

- 1.6 The RIPA also requires a similar control and authorisation procedure to be in place in respect to the acquisition of telecommunications data. The County Council needs to comply with these requirements when obtaining telephone subscriber, billing and account information.
- 1.7 In addition, the Act put in place an Office of Surveillance Commissioners, and the Interception of Communications Commissioner's Office, whose duties are, respectively, to inspect those public bodies undertaking covert surveillance and the acquisition of communications data, and introduced an Investigatory Powers tribunal to examine complaints that human rights may have been infringed.

## **2. Policy Statement**

- 2.1 Kent County Council will not undertake any activity defined within the Regulation of Investigatory Powers Act 2000 without prior, or emergency, authorisation, from a trained, senior officer who is empowered to grant such consents.
- 2.2 The Corporate Director of Growth, Environment and Transportation has been appointed as the Senior Responsible Officer (SRO) and, as such, has been given authority to appoint Authorising Officers (for surveillance activities) and Designated Persons and Single Points of Contact (for the purposes of access to communications data) under the Act. The SRO is a member of the corporate leadership team currently called Corporate Management Team.
- 2.3 The Authorising Officer or Designated Person will not authorise the use of surveillance techniques, human intelligence sources or access to communications data unless the authorisation can be shown to be necessary for the purpose of preventing or detecting crime or of preventing disorder.
- 2.4 In addition, the Authorising Officer or Designated Person must believe that the surveillance or obtaining of communications data is necessary and proportionate to what it seeks to achieve. In making this judgment, the officer will consider whether the information can be obtained using other methods and whether efforts have been made to reduce the impact of the surveillance or intrusion on other people, who are not the subject of the operation.
- 2.5 Applications for authorisation of surveillance, the use of a CHIS or the obtaining of communications data will, except in an emergency where legislation permits, be made in writing on the appropriate form (see Annexes 1, 2 or 3 for example forms).
- 2.6 Intrusive surveillance operations are defined as activities using covert surveillance techniques, on residential premises, or in any private vehicle, which involves the use of a surveillance device, or an individual, in such a vehicle or on such premises. Kent County Council officers are NOT legally entitled to authorise or undertake these types of operations. Operations must not be carried out where legal consultations take place, at the places of business of legal advisors or similar places such as courts, Police stations, prisons or other places of detention.
- 2.7 However, public bodies are permitted to record telephone conversations, where one party consents to the recording being made and a Directed Surveillance

authorisation has been granted. On occasions, officers of the Trading Standards Service do need to record telephone conversations, to secure evidence.

- 2.8 It is the policy of this authority to be open and transparent in the way that it works and delivers its services. To that end, a well-publicised KCC Complaints procedure is in place and information on how to make a complaint to the Investigatory Powers Tribunal will be provided on request being made to the SRO or Authorising Officer.

### **3. Obtaining Authorisation**

- 3.1 The SRO shall designate by name one or more Directors, Heads of Service, Service Managers or equivalent to fulfil the role of Authorising Officer (for the purposes of Surveillance and CHIS authorisation) and Designated Person and Single Point of Contact (for the purposes of access to communications data). The SRO shall maintain a register of the names of such officers.
- 3.2 Where the CHIS is a juvenile or a vulnerable person, or there is the likelihood that the information acquired by covert surveillance will be Confidential Information (see Glossary), then the authorisation must be from the Head of Paid Service or, in his absence, a Corporate Director nominated by the Head of Paid Service to deputise for him. In the event of such circumstances, the Director of Governance and Law shall also be informed.
- 3.3 Authorisations from the Authorising Officer for directed surveillance or to use a CHIS shall be obtained using the appropriate application form (see annexes 1 and 2 for example forms). Also see Section 12 in relation to CHIS.
- 3.4 Applications for access to communications data shall be made to the Designated Person using the appropriate application form (see annex 3 for example form). Data can be accessed by a Notice (which is served on the Communications Service Provider (CSP) to produce the data) or by way of an Authorisation (which enables persons within a Public Authority to obtain the data). The latter process is unlikely to be used by officers of the County Council. Also see Section 11.
- 3.5 Guidance for completing and processing the application forms is attached (annexes 4, 5, or 6).
- 3.6 (a) In urgent cases, authorisations or notices may be given orally by the Authorising Officer or Designated Person. In such cases, a statement that that officer has expressly authorised the action and the reason for the oral authorisation shall be recorded by the applicant officer as soon as reasonably practicable.
- (b) A case is not normally to be regarded as urgent unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgment of the applicant officer; be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given.
- 3.7 Only the Trading Standards Service has officers trained to the appropriate Home Office requirement to seek communications data.
- 3.8 If authorisation is granted by the Authorising Officer, the applicant, or a suitably experienced officer nominated by the applicant, will make the necessary arrangements to secure judicial approval of the authorisation in compliance with

the requirements of the Protection of Freedoms Act 2012. This requires the applicant, or their nominee, to attend a Magistrates' Court and seek an approval order.

#### **4. Duration of authorisations**

- 4.1 All records shall be kept for at least 3 years.
- 4.2 A written authorisation (unless renewed) will cease to have effect at the end of the following periods from when it took effect:
- a) Directed Surveillance - 3 months
  - b) Conduct and use of CHIS - 12 months
- 4.3 A notice issued for the production of communication data will remain valid for one month.
- 4.4 An urgent oral authorisation for Surveillance/CHIS (unless renewed) will cease to have effect after 72 hours from when it was granted. Any urgent oral request for access to communications data must be followed up by a written notice issued retrospectively to the CSP within one working day of the oral notice.

#### **5. Reviews**

- 5.1 Regular review of authorisations and notices shall be undertaken by the relevant Authorising Officer to assess the need for the surveillance or notice to continue. The results of the review shall be recorded on the central record of authorisations (see annexes 1, 2 or 3 for review forms). Where surveillance provides access to Confidential Information or involves collateral intrusion, particular attention shall be given to the review for the need for surveillance in such circumstances.
- 5.2 In each case, the Authorising Officer shall determine how often a review is to take place, and this should be as frequently as is considered necessary and practicable.

#### **6. Renewals**

- 6.1 If, at any time, an authorisation or notice ceases to have effect and the Authorising Officer considers it necessary for the authorisation or notice to continue for the purposes for which it was given, s/he may renew it, in writing, for a further period of:
- three months – directed surveillance
  - twelve months – use of a CHIS
  - one month – access to communications data
  - (see annexes 1,2 or 3 for examples of renewal forms)
- 6.2 Renewals for directed surveillance or the use of CHIS may also be granted orally, in urgent cases, and last for a period of up to 72 hours.
- 6.3 A renewal takes effect at the time at which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisation

may be renewed more than once provided they continue to meet the criteria for authorisation.

## **7. Cancellations**

- 7.1 The Authorising Officer who granted or last renewed the authorisation or notice must cancel it if s/he is satisfied that the Directed Surveillance or the use or conduct of the Covert Human Intelligence Source no longer meets the criteria for which it was authorised (see annexes 1,2 or 3 for examples of cancellation forms). When the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer.
- 7.2 As soon as the decision is taken that Directed Surveillance should be discontinued or the use or conduct of the CHIS no longer meets the criteria for which it was authorised, the instruction must be given to those involved to stop all surveillance of the subject or use of the CHIS. The authorisation does not 'expire' when the activity has been carried out or is deemed no longer necessary. It must be either cancelled or renewed. The date and time when such an instruction was given should be recorded in the central register of authorisations and the notification of cancellation where relevant.

## **8. Central Register and Oversight by Senior Responsible Officer**

- 8.1 A copy of any authorisation (including statements in respect of oral authorisations), any renewal or cancellation (together with any supporting information relevant to such authorisation or cancellation) and any application, notice or authorisation in respect of communications data shall be forwarded to the SRO within 5 working days of the date of the application, authorisation, notice, renewal or cancellation.
- 8.2 The SRO shall:
- (a) keep a register of the documents referred to in paragraph 8.1 above;
  - (b) monitor the quality of the documents and information forwarded;
  - (c) monitor the integrity of the process in place within the Council for the management of CHIS;
  - (d) monitor compliance with Part II of the RIPA and with the Codes;
  - (e) oversee the reporting of errors to the relevant Oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
  - (f) engage with the OSC inspectors when they conduct their inspections, where applicable; and
  - (g) where necessary, oversee the implementation of post-inspection action plans approved by the relevant Oversight Commissioner.

## **9. Training**

- 9.1 The Authorising Officers, Designated Persons and Single Points of Contact shall be provided with training to ensure awareness of the legislative framework. Single Points of Contact can only be appointed following attendance at a training course accredited by the Home Office and passing a written examination.

## **10. Planned and Directed Use of Council CCTV Systems**

- 10.1 The Council's CCTV surveillance systems shall not be used for Directed Surveillance, without the SRO or other senior legal officer confirming to the relevant operational staff that a valid authorisation is in place.

## **11. Special Arrangements**

- 11.1 An alternative process to obtain communications data has been approved using the facilities of National Anti-Fraud Network (NAFN). In these circumstances NAFN act as the SPOC, deal with the Service Provider and maintain the required records. Applications are made using a secure on-line system which is Home Office approved.
- 11.2 The use of a CHIS can present significant risk to the security and welfare of the person. Each authorisation will have a specific documented risk assessment and the CHIS (and all members of any support team) will be briefed on the details of the assessment. Kent County Council has a Memorandum of Understanding with Kent Police for circumstances where the CHIS are not an employee or other agent working for or on behalf of the authority. In other circumstances such as a member of public, "whistle-blower" or informant then Kent Police will deal and handle the operation of the CHIS. Kent Police will ensure the compliance with the Regulations, codes of practice and all other risks such as the security and welfare of the CHIS (and associated persons). Any necessary and relevant information will be provided following best practise as to not risk identifying CHIS unless this is appropriate and approved by Kent Police. In such cases, Kent Police are responsible for all record and monitoring processes.

## **12. Oversight**

- 12.1 The SRO shall ensure that this policy is reviewed on an annual basis by presenting a report of activity to the Governance and Audit Committee (or similar Committee). There shall also be brief details of all activity under this policy provided to members on a quarterly basis.
- 12.2 Every two years the Director of Law and Governance will review the policy, and also contact a senior manager in all other units and services within Kent County Council to inform of any changes or alterations. The communication will also seek to highlight the details of the restrictions imposed by RIPA and Human Rights legislation. Should any unit or service (other than those permitted by this policy) consider that any actions it may have taken (or are considering taking) might infringe this policy, they must be raised with the Director of Governance and Law as soon as practicable.

## Glossary

**"Confidential information"** consists of matters subject to legal privilege, confidential personal information, or confidential journalistic material.

**"Directed Surveillance"** is defined in section 26 (2) of RIPA as surveillance which is covert, but not intrusive (i.e. takes place on residential premises or in any private vehicle), and undertaken:

- (a) for the purpose of specific investigation or specific operation;
- (b) in such a manner is likely to result in the obtaining of private information about a person (whether or not one 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 under Part II of RIPA to be sought for the carrying out of the surveillance.

**"A person is a Covert Human Intelligence Source"** if:

- he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything within paragraph (b) or (c);
- he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- he covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

(See section 26 (8) of RIPA)

<p>"Communications Data is:-</p> <p>(a) any traffic data comprised in or attached to a communication (whether by the sender or otherwise) for the purposes of any postal service or telecommunication system by means of which it is being or may be transmitted; (NOT AVAILABLE TO LOCAL AUTHORITIES)</p>
<p>(b) any information which includes none of the contents of a communication (apart from any information falling within paragraph (a)) and is about the use made by any person-</p> <p>(i) of any postal service or telecommunications service; or</p> <p>(ii) in connection with the provision to or use by any person of any telecommunications service, of any part of a telecommunication system;</p>
<p>(c) any information not falling within paragraph (a) or (b) that is held or obtained, in relation to persons to whom he provides the service, by a person providing a postal service or telecommunications service.</p>



## **Annex 1 – Surveillance forms**

Application for Authorisation to Carry Out Directed Surveillance

Review of Directed Surveillance Authorisation

Cancellation of a Directed Surveillance Authorisation

Application of Renewal of a Directed Surveillance Authorisation

(Forms available at <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/> )

## **Annex 2 – Covert Human Intelligence forms**

Application for Authorisation of the Use or Conduct of a Covert Human Intelligence Source

Review of a Covert Human Intelligence Source Authorisation

Cancellation of an Authorisation for the use of or Conduct of a Covert Human Intelligence Source

Application for renewal of a Covert Human Intelligence Source Authorisation

(Forms available at <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/> )

## **Annex 3 – Access to data forms**

Application for access to Communications Data

(Form available at <http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/ripa-section-22-notice-update?view=Binary> )

## **Annex 4 - Guidance on completing surveillance forms**

### **Details of Applicant**

Details of requesting officer's work address and contact details should be entered.

### **Details of Application**

**1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171**

Fill in details of Authorising Officer (see paras 3.1 and 3.2 of Policy)

**2. Purpose of the specific operation or investigation**

Outline what the operation is about and what is hoped to be achieved by the investigation. Indicate whether other methods have already been used to obtain this information. Give sufficient details so that the Authorising Officer has enough information to give the Authority e.g. "Surveillance at Oakwood House and Mr. X".

**3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used**

Give as much detail as possible of the action to be taken including which other officers may be employed in the surveillance and their roles. If appropriate append any investigation plan to the application and a map of the location at which the surveillance is to be carried out.

**4. The identities, where known, of those to be subject of the directed surveillance**

**5. Explain the information that it is desired to obtain as a result of the directed surveillance**

This information should only be obtained if it furthers the investigation or informs any future actions

**6. Identify on which grounds the directed surveillance is necessary under section 28(3) of RIPA**

The ONLY grounds for carrying out Directed Surveillance activity is for the purpose of preventing or detecting crime or of preventing disorder.

This can be used in the context of local authority prosecutions, or where an employee is suspected of committing a criminal offence e.g. fraud.

**7. Explain why this directed surveillance is necessary on the grounds you have identified (code chapter 3)**

Outline what other methods may have been attempted in an effort to obtain the information and why it is now necessary to use surveillance.

**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable (code chapter 3) Describe precautions you will take to minimise collateral intrusion**

Who else will be affected by the surveillance, what steps have been done to avoid this, and why it is unavoidable?

**9. Explain why the directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code chapter 3]**

If the Directed Surveillance is necessary, is it proportionate to what is sought to be achieved by carrying it out? This involves balancing the intrusiveness of the activity on the target and others who may be affected by it against the need for the activity in operational terms. Reasons should be given why what is sought justifies the potential intrusion on the individual's personal life and his privacy. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

**10. Confidential information (Code chapter 4)**

Will information of a confidential nature be obtained (i.e. communications subject to legal privilege, or communications involving confidential personal information and confidential journalistic material) if so the appropriate level of authorisation must be obtained (see para 3.2 of the Policy).

**12. Authorising Officer's Statement**

**13. Authorising Officer's comments**

Must be completed outlining why it is proportionate and why he/she is satisfied that it is necessary.

## **Annex 5 - Guidance on completing Covert Human Intelligence forms**

### **Details of Application**

#### **1. Authority Required**

Fill in details of Authorising Officer (see paras 3.1 and 3.2 of the Policy)

Where a vulnerable individual or juvenile source is to be used, the authorisation **MUST** be given by Chief Executive or in her absence the Chief Officer.

#### **2. Describe the purpose of the specific operation or investigation**

Sufficient details so that the Authorising Officer has enough information to give Authority. Outline what the operation is about and the other methods used already to obtain this information.

#### **3. Describe in detail the purpose for which the source will be tasked or used**

Give as much detail as possible as to what the use of the source is intended to achieve.

#### **4. Describe in detail the proposed covert conduct of the source or how the source is to be used**

Describe in detail the role of the source and the circumstances in which the source will be used

#### **5. Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA**

The **ONLY** grounds for carrying out Directed Surveillance activity is for the purpose of preventing or detecting crime or of preventing disorder

#### **6. Explain why this conduct or use of the source is necessary on the grounds you have identified (Code chapter 3)**

Outline what other methods may have been attempted in an effort to obtain the information and why it is now necessary to use surveillance for the investigation.

#### **7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable (Code chapter 3)**

Who else will be affected, what steps have been done to avoid this, and why it is unavoidable?

#### **8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source? (see Code chapter 3)**

Ensure that other authorities such as the police or other council departments are not conducting a parallel investigation or other activity which might be disrupted.

**9. Provide an assessment of the risk to the source in carrying out the proposed conduct (see Code chapter 6)**

A risk assessment will have to be carried out to establish the risks to that particular source, taking into account their strengths and weaknesses. The person who has day to day responsibility for the source and their security (the 'Handler') and the person responsible for general oversight of the use made of the source (the 'Controller') should be involved in the risk assessment.

**10. Explain why this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means? [Code chapter 3]**

If the use of a Covert Human Intelligence Source is necessary, is it proportionate to what is sought to be achieved by carrying it out? This involves balancing the intrusiveness of the activity on the target and others who may be affected by it against the need for the activity in operational terms. Reasons should be given why what is sought justifies the potential intrusion on the individual's personal life and his privacy. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

**11. Confidential information (Code chapter 4). Indicate the likelihood of acquiring any confidential information**

Will information of a confidential nature be obtained (i.e. communications subject to legal privilege, or communications involving confidential personal information and confidential journalistic material) if so the appropriate level of authorisation must be obtained (see para 3.2 of the Policy).

**13. Authorising Officer's comments**

Must be completed outlining why it is proportionate and why he/she is satisfied that it is necessary to use the source and that a proper risk assessment has been carried out.

## **Annex 6 – Guidance on completing access to Communications data forms**

### **1 - 7. Details of Applicant etc**

Details of requesting officer's service unit, Grade and contact details should be entered. The unique reference number at 4 would normally be entered by the SPOC.

### **8. Statutory Purpose**

The ONLY grounds for accessing communications data is for the purpose of preventing or detecting crime or of preventing disorder

This can be used in the context of local authority prosecutions, or where an employee is suspected of committing a criminal offence e.g. fraud.

### **9. Communications Data**

Describe the communications data, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s)

Indicate the time periods within which the data is required. For example subscriber details can change over relatively short periods of time. Also billing data can be expensive to retrieve and should only be requested for times relevant to the investigation. It is therefore important to be specific as to the relevant time otherwise there may be collateral intrusion, the data obtained may not be relevant or the cost may be prohibitive. Times should be specified as GMT or BST. If unsure as to whether the data can be obtained from a CSP the SPOC should be consulted.

### **10. Necessity**

Outline brief details of the investigation, the circumstances leading to the application, the link between the communications data and the subject under investigation, the source of the data and how this data links to the offence or subject under investigation.

### **11. Proportionality**

Explain what you expect to achieve by obtaining the requested data; what will be done with the data; how it will benefit the investigation and how the level of intrusion is justified when taking into consideration the benefit the data will give to the investigation. Also explain why the specific date/timescale has been requested and how this is proportionate to what is trying to be achieved.

### **12. Collateral Intrusion**

Collateral intrusion is intrusion into the privacy of innocent third parties. It is important to detail any plan to minimise collateral intrusion. If the subject has been contacted via the communication service (e.g. telephone number or e-mail) or if it has been used in business correspondence, advertising etc this should be explained as this demonstrates that it is being used by the subject and is therefore unlikely to result in collateral intrusion. Explain how data obtained which refers to third parties will be handled.



### **13. Timescale**

Indicate whether the application is urgent. The Code of Practice requires CSPs to disclose the data within ten working days (The notice served by the SPOC will remain valid for one month).

In most circumstances the form should be completed via the National Anti- fraud Network website at [www.nafn.gov.uk](http://www.nafn.gov.uk). The National Anti-fraud Network SPOC Service (thus acting as SPOC for the County Council), will assess and quality control the application. If it meets the legal threshold for obtaining communications data the SPOC will post it on the website for approval by the appropriate Designated Person.

This procedure necessitates the applicant to be registered with the National Anti-fraud Network prior to making the application. For details on how to do this the applicant should visit [www.nafn.gov.uk](http://www.nafn.gov.uk). You must consult your operational / Area manager in Trading Standards before attempting to register with NAFN.

If rejected, by the Designated Person or the SPOC, the SPOC will retain the application and inform the applicant in writing of the reason(s) for its rejection.