**REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 (RIPSA)**

**REVIEW OF DIRECTED COVERT SURVEILLANCE AUTHORISATION**

|  |  |  |  |
| --- | --- | --- | --- |
| **Unique Reference Number** |  |  |  |

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| --- | --- | --- |
| **Public authority** | West Lothian Council, Civic Centre, Howden Road South, Livingston, West Lothian, EH54 6FF | |
| **Senior Responsible Officer** | Graeme Struthers, Depute Chief Executive, West Lothian Council, Civic Centre, Howden Road South, Livingston, West Lothian, EH54 6FF | |
| **Authorised officer** |  | |
| **Service** |  | |
| **Full address** |  | |
| **Contact details** |  | |
| **Line Manager** |  | |
| **Head of Service** |  | |
| **Investigation/Operation Name (if any)** |  | |
| **Authorisation date** |  | |
| **First review date[[1]](#endnote-1)** |  | |
| **Previous review date (if any)** |  | |
| **Next review date(s)** |  | |
| **Expiry date[[2]](#endnote-2)** |  | |
| **Authorising Officer** | Carol Johnston, Chief Solicitor, West Lothian Council, Civic Centre, Howden Road South, Livingston, West Lothian, EH54 6FF |  |
|  | Lesley Montague, Governance Manager, West Lothian Council, Civic Centre, Howden Road South, Livingston, West Lothian, EH54 6FF |  |

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| **A** | **TO BE COMPLETED BY AUTHORISED OFFICER**  Provide sufficient information to enable the Authorising Officer to complete the form and review the authorisation in accordance with legislation, Code of Practice[[3]](#endnote-3), and West Lothian Council Policy and Procedure[[4]](#endnote-4) to reach a decision on its continuation or termination | | |
| 1 | Surveillance activity[[5]](#endnote-5) carried out since commencement or last review and compliance with authorisation[[6]](#endnote-6) (officers acting and supervising; dates, time and duration; location, premises and vehicles; equipment; use of internet and social media[[7]](#endnote-7); means of recording) | | |
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| 2 | Information obtained, including private information[[8]](#endnote-8), and the value of the information so far obtained | | |
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| 3 | Detail the reasons why it is necessary[[9]](#endnote-9) to continue with the directed surveillance by reference to the authorisation granted and the statutory purposes[[10]](#endnote-10) | | |
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| 4 | Explain why this directed surveillance continues to be proportionate[[11]](#endnote-11) to what it seeks to achieve | | |
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| 5 | Detail any incidents of collateral intrusion[[12]](#endnote-12), the likelihood of any further incidents of collateral intrusion occurring, and steps taken and to be taken to avoid or mitigate them | | |
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| 6 | Give details of any confidential information[[13]](#endnote-13) acquired or accessed and the likelihood of acquiring confidential information. | | |
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| 7 | If the authorisation were to be cancelled what would the impact be on the operation? | | |
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| Authorised officer’s signature | |  | Date of signing |

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| **B** | **TO BE COMPLETED BY AUTHORISING OFFICER[[14]](#endnote-14)**  To consider the Applicant’s information and the basis in law, guidance and policy, and provide Authorising Officer’s views in accordance with legislation, Code of Practice and West Lothian Council Policy and Procedure and to reach a decision on its continuation or termination | | |
| 1 | Authorising Officer’s assessment of the conduct and success of the surveillance carried out, compliance with authorisation[[15]](#endnote-15), information recovered since commencement or last review | | |
|  |  | | |
| 2 | Authorising Officer’s assessment of the continuing necessity[[16]](#endnote-16) by reference to authorisation and statutory purposes[[17]](#endnote-17) and new alternative means of acquiring information | | |
|  |  | | |
| 3 | Authorising Officer’s assessment of the continuing proportionality[[18]](#endnote-18) by reference to authorisation and statutory purposes[[19]](#endnote-19) and new alternative means of acquiring information | | |
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| 4 | Authorising Officer’s assessment of occurrences of collateral intrusion[[20]](#endnote-20) and change since commencement or last review to risk of it occurring | | |
|  |  | | |
| 5 | Authorising Officer’s assessment of acquisition of confidential information[[21]](#endnote-21) and change since commencement or last review to risk of it occurring | | |
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| 6 | Impact on objectives and success if authorisation is cancelled | | |
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| 7 | Authorising Officer’s decision and reasons for it – continuation, with or without changes, or cessation[[22]](#endnote-22), including any instruction on retention/destruction of information | | |
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| 8 | Date and time of cancellation instruction, if any[[23]](#endnote-23) | | |
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| 9 | Next review date, if any | | |
|  |  | | |
| Authorising Officer’s signature | |  | Date of signing |
|  | |  | Date of issue |

1. Code, 4.34 to 4.39, 8.11; Procedure, B8.1 to B8.8 [↑](#endnote-ref-1)
2. RIPSA, section 19; Code, 5.11. and 5.12 [↑](#endnote-ref-2)
3. Scottish Government Covert Surveillance & Property Interference Code of Practice (December 2017), referred to here as “Code” [↑](#endnote-ref-3)
4. Council Executive, 19 September 2017, procedures amended 23 August 2019, referred to here as “Procedure” [↑](#endnote-ref-4)
5. RIPSA, sections 1 and 38; Code, 3.1 to 3.3; Procedure, C2.1 and C2.5 [↑](#endnote-ref-5)
6. RIPSA, section 5 [↑](#endnote-ref-6)
7. Code, 3.11 to 3.16; Procedure, A4.1 to A4.7 [↑](#endnote-ref-7)
8. RIPSA, section 1; Code, 3.1 to 3.7 [↑](#endnote-ref-8)
9. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C4.1 [↑](#endnote-ref-9)
10. RIPSA, section 6; Code, 5.1 to 5.2; Procedure, C3.1 to C3.3 [↑](#endnote-ref-10)
11. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C5.1 and C5.2 [↑](#endnote-ref-11)
12. Code, 4.9 to 4.15 [↑](#endnote-ref-12)
13. Code, 8.52 to 8.51 [↑](#endnote-ref-13)
14. RIPSA, section 8; Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 [↑](#endnote-ref-14)
15. RIPSA, section 5 [↑](#endnote-ref-15)
16. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C4.1 [↑](#endnote-ref-16)
17. RIPSA, section 6; Code, 5.1 to 5.2; Procedure, C3.1 to C3.3 [↑](#endnote-ref-17)
18. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C5.1 and C5.2 [↑](#endnote-ref-18)
19. RIPSA, section 6; Code, 5.1 to 5.2; Procedure, C3.1 to C3.3 [↑](#endnote-ref-19)
20. Code, 4.9 to 4.15 [↑](#endnote-ref-20)
21. Code, 8.52 to 8.51 [↑](#endnote-ref-21)
22. RIPSA, section 20. If surveillance ceases, cancellation procedure is required [↑](#endnote-ref-22)
23. Code, 5.19 to 5.21; Procedure, B9.1 to B9.4 [↑](#endnote-ref-23)