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

**APPLICATION FOR DIRECTED COVERT SURVEILLANCE** **AUTHORISATION**

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| **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 | |
| **Applicant** |  | |
| **Service** |  | |
| **Full address** |  | |
| **Contact details** |  | |
| **Line Manager** |  | |
| **Head of Service** |  | |
| **Investigation name (if any)** |  | |
| **Application date** |  | |
| **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 APPLICANT**  Provide sufficient information to enable the Authorising Officer to complete the form and grant or refuse the application in accordance with legislation, Code of Practice[[1]](#endnote-1), and West Lothian Council Policy and Procedure[[2]](#endnote-2) | | |
| 1 | Describe the directed surveillance[[3]](#endnote-3) operation to be authorised (purpose and objectives; officers acting and supervising; dates, time and duration; location, premises and vehicles; equipment; use of internet and social media[[4]](#endnote-4); means of recording) | | |
|  |  | | |
| 2 | Name and address, where known, of those to be subjects of the directed surveillance | | |
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| 3 | Explain the information, including private information[[5]](#endnote-5), that it is sought and likely to be obtained as a result of the directed surveillance | | |
|  |  | | |
| 4 | Identify the lawful grounds[[6]](#endnote-6) for which authorisation of the surveillance is necessary | | |
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| 5 | Explain why this directed surveillance is necessary[[7]](#endnote-7) on the grounds you have identified | | |
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| 6 | Explain why this directed surveillance is proportionate[[8]](#endnote-8) to what it seeks to achieve, what alternatives have been considered and exhausted or discarded | | |
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| 7 | Supply details of any potential collateral intrusion[[9]](#endnote-9) and why the intrusion is unavoidable. Describe precautions to minimise collateral intrusion | | |
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| 8 | Indicate the likelihood of acquiring any confidential information[[10]](#endnote-10) and the steps to be taken to avoid doing so | | |
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| 9 | Head of Service consent to operation and application (name and date)[[11]](#endnote-11) | | |
|  |  | | |
| Applicant’s signature | |  | Date of signing |

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| **B** | **TO BE COMPLETED BY AUTHORISING OFFICER[[12]](#endnote-12)**  To consider the Applicant’s information and the basis in law, guidance and policy, and provide Authorising Officer’s views on the adequacy of the application and whether it can and should be granted | | |
| 1 | Authorising Officer’s view on the adequacy of information in application in relation to purposes, statutory grounds[[13]](#endnote-13), directed surveillance[[14]](#endnote-14) to be carried out, information sought, equipment used, identities of officers and subjects of surveillance | | |
|  |  | | |
| 2 | Authorising Officer’s belief as to whether the directed surveillance is necessary[[15]](#endnote-15). Explain why you believe the directed surveillance to be proportionate[[16]](#endnote-16) to what is sought to be achieved by carrying it out. | | |
|  |  | | |
| 3 | Authorising Officer’s assessment of risks of collateral intrusion[[17]](#endnote-17), acquisition of confidential information[[18]](#endnote-18), retention of unused information, and steps to avoid or mitigate those risks | | |
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| 4 | Authoring Officer’s decision and reasons for it – refusal, or authorisation, stating clearly what has been authorised and any parts of application refused | | |
|  |  | | |
| 5 | Date and method of authorisation[[19]](#endnote-19). If urgent authorisation given, explain why case considered so urgent that an oral instead of a written authorisation was given[[20]](#endnote-20) | | |
|  |  | | |
| 6 | Expiry date and time of authorisation[[21]](#endnote-21) (3 months from authorisation date, but 72 hours for urgent authorisation) | | |
|  |  | | |
| 7 | Review date or dates[[22]](#endnote-22) | | |
|  |  | | |
| 8 | Name and designation of authorised officer responsible for supervising and reporting on surveillance | | |
|  |  | | |
| Authorising Officer’s signature | |  | Date of signing |
|  | |  | Date of issue |

1. Scottish Government Covert Surveillance & Property Interference Code of Practice (December 2017), referred to here as “Code” [↑](#endnote-ref-1)
2. Council Executive, 19 September 2017, procedures amended 23 August 2019, referred to here as Policy and Procedure [↑](#endnote-ref-2)
3. RIPSA, sections 1 and 38; Code, 3.1 to 3.3; Procedure, C2.1 to C2.5 [↑](#endnote-ref-3)
4. Code, 3.11 to 3.16; Procedure, A4.1 to A4.7 [↑](#endnote-ref-4)
5. RIPSA, section 1; Code, 3.4 to 3.7 [↑](#endnote-ref-5)
6. RIPSA, section 6; Code, 5.1 to 5.2; Procedure, C3.1 to C3.3 [↑](#endnote-ref-6)
7. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C4.1 [↑](#endnote-ref-7)
8. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C5.1 and C5.2 [↑](#endnote-ref-8)
9. Code, 4.9 to 4.15 [↑](#endnote-ref-9)
10. Code, 8.52 to 8.51 [↑](#endnote-ref-10)
11. Procedure, B2.3 and B2.4 [↑](#endnote-ref-11)
12. RIPSA, section 8; Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 [↑](#endnote-ref-12)
13. RIPSA, section 6; Code, 5.1 to 5.2; Procedure, C3.1 to C3.3 [↑](#endnote-ref-13)
14. RIPSA, sections 1 and 38; Code, 3.1 to 3.3; Procedure, C2.1 to C2.5 [↑](#endnote-ref-14)
15. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C4.1 [↑](#endnote-ref-15)
16. RIPSA, section 6; Code, 4.4 to 4.8; Procedure, C5.1 and C5.2 [↑](#endnote-ref-16)
17. Code, 4.9 to 4.15 [↑](#endnote-ref-17)
18. Code, 8.52 to 8.51 [↑](#endnote-ref-18)
19. RIPSA, section 19; Code, 5.11 to 5.12 [↑](#endnote-ref-19)
20. Procedure, B4.1 to B4.6 [↑](#endnote-ref-20)
21. RIPSA, section 19; Code, 5.11 to 5.12 [↑](#endnote-ref-21)
22. Code, 4.34 to 4.39; Procedure, B8.1 to B8.8 [↑](#endnote-ref-22)