



Home Office

Regulation of Investigatory Powers Act (RIPA) 2000 guidance

This guidance is based on the Regulation of Investigatory Powers Act including section 55 of the Crime and Courts Act 2013.

Regulation of Investigatory Powers Act (RIPA) 2000 guidance

About this guidance

<p>Covert powers RIPA gives Covert surveillance Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This guidance tells Home Office staff throughout the UK, about gathering intelligence using covert surveillance or covert human intelligence sources (CHIS) and communications data.</p> <p>It is based on the Regulation of Investigatory Powers Act (RIPA) 2000, and includes section 55 of the Crime and Courts Act 2013.</p> <p>All intelligence work must be carried out in line with relevant legislation and Home Office standards. For more information on the standards, see related link: Manual of standards – Recording and dissemination of intelligence material.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager cannot answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	<p>In this section Changes to this guidance Contact Information owner</p> <p>Related links Links to staff intranet removed</p> <p>External links Regulation of Investigatory Powers Act (RIPA) 2000</p>
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Regulation of Investigatory Powers Act (RIPA) 2000 guidance

Changes to this guidance

<p>About this guidance Covert powers RIPA gives Covert surveillance Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This page lists changes to the 'Regulation of Investigatory Powers Act (RIPA) 2000' guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="528 352 869 392">Date of the change</th><th data-bbox="875 352 1570 392">Details of the change</th></tr></thead><tbody><tr><td data-bbox="528 397 869 692">18 December 2013</td><td data-bbox="875 397 1570 692"><p>Six month review by the modernised guidance team:</p><ul style="list-style-type: none">• Covert surveillance:<ul style="list-style-type: none">○ sub-heading 'Directed and intrusive surveillance', new restricted information• Minor housekeeping changes.</td></tr><tr><td data-bbox="528 697 869 807">01 July 2013</td><td data-bbox="875 697 1570 807"><p>This is new guidance based on the Regulation of Investigatory Powers Act 2000 and the Crime and Courts Act 2013</p></td></tr></tbody></table>	Date of the change	Details of the change	18 December 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none">• Covert surveillance:<ul style="list-style-type: none">○ sub-heading 'Directed and intrusive surveillance', new restricted information• Minor housekeeping changes.	01 July 2013	<p>This is new guidance based on the Regulation of Investigatory Powers Act 2000 and the Crime and Courts Act 2013</p>	<p>Related links Covert surveillance</p> <p>See also Contact</p> <p>Information owner</p>
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Regulation of Investigatory Powers Act (RIPA) 2000 guidance

Covert powers RIPA gives

<p>About this guidance Covert surveillance Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This page tells you about what legislation covers surveillance. It includes the Regulation of Investigatory Powers Act (RIPA) 2000 and section 55 of the Crime and Courts Act 2013.</p> <p>What RIPA authorises Under RIPA, Home Office immigration officials can authorise you to:</p> <ul style="list-style-type: none">• use covert surveillance• use covert human intelligence sources (CHIS), and• acquire (access) communications data. <p>However, this authorisation must only be for the following purposes:</p> <ul style="list-style-type: none">• to prevent or detect crime• to prevent disorder, or• for the economic well being of the UK. <p>For a definition of communications data, see link on left: Acquisition (accessing) of communications data.</p> <p>What RIPA does The RIPA act covers:</p> <ul style="list-style-type: none">• Updating the law on intercepting communications.• Providing:<ul style="list-style-type: none">○ legislation for acquisition (accessing) of communications data○ powers to combat criminal use of encryption (coding).• Regulating the use of covert surveillance and covert human sources. And• Making sure there is independent judicial oversight of the act's powers. <p>For more information about RIPA, see the related link.</p>	<p>In this section Legislation: covert surveillance, CHIS and access to communications</p> <p>Related Links Links to staff intranet removed</p> <p>External links Regulation of Investigatory Powers Act (RIPA) 2000 The Police Act 1997 The Crime and Courts Act 2013 Code of practice for the use of covert human intelligence sources</p>
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Codes of practice were brought into force to govern the exercise and performance of the powers in the act.

For more information about the codes of practice including covert surveillance and property interference, and the regulations they are part of, see:

- link on left: Covert human intelligence sources (CHIS)
- related links:
 - Covert surveillance code of practice
 - Acquisition and disclosure of communications data code of practice.

The Crime and Courts Act 2013

The Crime and Courts Act 2013 contains provisions about criminal investigation powers that immigration officers can use. It:

- Allows criminal investigators in Immigration Enforcement to tackle serious and organised immigration related criminal activity across the UK.
- Gives additional powers to officers working in Scotland allowing them to conduct effective criminal investigations within the Scottish judicial system.

Officers must not use these powers until they have received the necessary training.

Section 55 (1 and 2) of the Crime and Courts Act amends RIPA and the Police Act, giving senior officials power within the organisation to authorise intrusive surveillance and property interference.

For more information, see the related links:

- The Crime and Courts Act 2013, and
- Powers of an immigration officer.

For more information on the specific amendments to the Police Act 1997 and RIPA, see schedule 21 (Part 1) of the Crime and Courts Act 2013.

For information on the Police Act 1997, see the related link.

	<p>If you are not sure if a proposed activity falls within the scope of RIPA, you must contact the central authorities unit (CAU) before you begin.</p> <p>For detailed information on all aspects of RIPA, see related link: Covert policy and procedures.</p>	
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Regulation of Investigatory Powers Act (RIPA) 2000 guidance

Legislation: covert surveillance, CHIS and access to communications

<p>About this guidance Covert powers RIPA gives Covert surveillance Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This page tells you what the Regulations of Investigatory Powers Act (RIPA) 2000 allows for covert human intelligence sources (CHIS), covert surveillance and access to communications data.</p> <p>CHIS Part 2 of RIPA allows relevant public authorities to authorise the use and conduct of CHIS</p> <p>For more information on the current policy and definitions, see related links:</p> <ul style="list-style-type: none">• Covert human intelligence sources (CHIS)• Covert human intelligence sources (CHIS): definition. <p>Covert surveillance RIPA and the related code of practice regulate how you use covert surveillance. They regulate how:</p> <ul style="list-style-type: none">• you use mobile and foot surveillance personnel• you set up covert observation posts, and• to install covert and/or remote equipment for monitoring specified or unspecified individuals in public places. <p>RIPA does not:</p> <ul style="list-style-type: none">• Stop you observing individuals who come to your attention in the normal course of your duty, who are suspected of:<ul style="list-style-type: none">○ having committed, or○ being about to commit offences.• Regulate using closed circuit television systems (CCTV). Although it does apply when you use CCTV as part of a pre-planned operation or investigation. <p>For more detailed information, see link on left: Covert surveillance.</p> <p>Acquisition (accessing) of communications data</p>	<p>Related links Covert human intelligence sources (CHIS) Covert human intelligence sources (CHIS): definition Acquisition (accessing) of communications data</p> <p>Links to staff intranet removed</p> <p>External links Code of practice for the use of covert human intelligence sources</p>
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	<p>RIPA allows for and regulates your access to postal, telecoms and internet operators' communications data to use to prevent and detect crime.</p> <p>For more detailed information, see related link: Acquisition and disclosure of communications data code of practice.</p> <p>For a definition of what communications data is, see related link: Acquisition (accessing) of communications data.</p>	
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Covert surveillance

<p>About this guidance Covert powers RIPA gives Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This page gives you a definition of covert surveillance and tells you about directed and intrusive surveillance.</p> <p>Definition Covert surveillance is when the person who is under surveillance does not know they are being observed.</p> <p>Directed and intrusive surveillance Covert surveillance is covered under the Regulation of Investigatory Powers Act (RIPA) 2000 in two areas:</p> <ul style="list-style-type: none">• Directed surveillance – is covert surveillance, but not ‘intrusive’, and is done:<ul style="list-style-type: none">○ for a specific operation or investigation○ on the basis that it is likely to gather private information about a person (even if they have not been specifically identified by the investigation or operation), and○ on the basis that it is not an immediate response to events or circumstances where it would not be practical to authorise surveillance under RIPA.• Intrusive surveillance – is covert surveillance and:<ul style="list-style-type: none">○ is carried out when activity is taking place on residential premises or in private vehicles, and○ involves the presence of an individual on the premises or in the vehicle or is carried out by a surveillance device. <p>Surveillance is not intrusive if it is carried out by a surveillance device that is not present on the premises or in the vehicle under surveillance, unless:</p> <ul style="list-style-type: none">• the device consistently provides information of the same quality and detail you would expect from a device actually present on the premises or in the vehicle. <p>For more information, see section 26(2) - 26(3) of related link.</p> <p>For detailed information on both directed surveillance and intrusive surveillance, including forms and guidance, see related link: Covert policy and procedures.</p>	<p>Related links Links to staff intranet removed</p> <p>External links Section 26 Regulation of Investigatory Powers Act The Police Act 1997 The Crime and Courts Act 2013</p>
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Restricted information – do not disclose – end of section

Authorising covert surveillance

To do directed surveillance, you must have the authority of an authorising officer. They are responsible for making sure:

- your proposed activity:
 - is proportionate and necessary in the circumstance, and
 - meets the statutory grounds, and
- only appropriately trained and accredited officers work on the operation.

For more information on the specific amendments to the Police Act 1997 and RIPA, see schedule 21 (Part 1) of related link: the Crime and Courts Act 2013.

Authorising officers (AO)

The regulation level for authorising directed surveillance is at Her Majesty's inspector (HMI) or senior investigating officer (SIO) grade. Senior executive officer (SEOs) and other non warranted grades cannot act as AOs. Only officers who have been trained and appear on the CAU list of AOs can authorise covert surveillance.

When you apply for surveillance, CAU find an AO for you if you have not already identified one. For the list of AOs, see related link. This is a restricted document and you must not disclose the contents.

For intrusive surveillance and property interference, you must request authorisation from the organisation's senior AO.

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Regulation of Investigatory Powers Act (RIPA) 2000 guidance

Covert human intelligence sources (CHIS)

<p>About this guidance Covert powers RIPA gives Covert surveillance Acquisition (accessing) of communications data</p>	<p>This section gives you the current policy and definitions for covert human intelligence sources (CHIS).</p> <p>Part 2 of the Regulation of Investigatory Powers Act (RIPA) 2000 allows relevant public authorities to authorise the use and conduct of CHIS. Examples of CHIS are:</p> <ul style="list-style-type: none">• informants• undercover officers, and• test purchase officers. <p>The code of practice for CHIS provides guidance on the definitions, management and authorisation processes. For more information on the CHIS codes of practice, see related link.</p> <p>For more information about RIPA, see related link.</p> <p>National source units (NSU) Dedicated source units have been established that have staff trained in source management. The department now has the capability to authorise the use and conduct of its own CHIS for immigration purposes. The NSU keeps a central record of all Home Office immigration officers who have undertaken the following courses:</p> <ul style="list-style-type: none">• Association of Chief Police Officers (ACPO) accredited core source handlers course• the enhanced source management course• the controller's course, and• the authorising officers course. <p>You must notify NSU:</p> <ul style="list-style-type: none">• if you undertake any of this training, so they can update their records, and• of any local source handling arrangements with law enforcement partners. <p>For advice and guidance on the management of human sources, please contact the NSU.</p>	<p>In this section Covert human intelligence sources (CHIS): definition</p> <p>Links to staff intranet removed</p> <p>External links Code of practice for the use of covert human intelligence sources</p> <p>Regulation of Investigatory Powers Act (RIPA) 2000</p>
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Regulation of Investigatory Powers Act (RIPA) 2000 guidance

Covert human intelligence sources (CHIS): definition

[About this guidance](#)
[Covert powers RIPA gives](#)
[Covert surveillance](#)
[Covert human intelligence sources \(CHIS\)](#)
[Acquisition \(accessing\) of communications data](#)

This page tells you the definition of covert human intelligence sources (CHIS).

Definition of CHIS

A person is a covert human intelligence source if they establish or maintain a personal or other relationship with a person for the covert purpose of:

- using such a relationship to get information or to provide access to any information to another person, or
- disclosing information gained by the use of such a relationship, or as a consequence of the existence of such a relationship.

Definition of 'a relationship established for a covert purpose'

A relationship is established or maintained for a 'covert purpose' when it is conducted in a way that is calculated to make sure one of the parties in the relationship is unaware of the purpose.

Relationships which are not maintained or established for a covert purpose

Not all human source activity will meet the above definition. For example, a member of the public volunteers or provides information that is simply their personal knowledge. This could be something they have seen in their neighbourhood without establishing or maintaining a relationship.

Also people who must provide information to public authorities out of professional or statutory duty. For example, employees within organisations regulated by the money laundering provisions of the Proceeds of Crime Act 2002 are required to report suspicious transactions. These regulatory or professional disclosures do not need to be authorised as a CHIS. The relationships were not established or maintained for the covert purpose of disclosing the information.

Status drift

Members of some organisations for example, travel agents, airlines, housing associations, or recruitment agencies who, because of the work they do, have access to personal information, may voluntarily provide information to immigration investigation

	<p>officers on a frequent basis.</p> <p>You must manage these sources with an appropriate degree of sensitivity and they must be monitored to establish whether, at any stage, they change status and need to be authorised as a CHIS.</p> <p>For more information and details of who to contact for advice on management of human sources and 'status drift', see link on left: Covert human intelligence sources (CHIS).</p>	
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Acquisition (accessing) of communications data

[About this guidance](#)
[Covert powers RIPA gives](#)
[Covert surveillance](#)
[Covert human intelligence sources \(CHIS\)](#)

This page gives you information on how to acquire (access) communications data

Immigration investigation staff are empowered under Regulation of Investigatory Powers Act (RIPA) 2000 to access communications data to prevent and detect crime. The act allows access to postal, telecoms and internet operators' data including:

- subscriber or account data
- service use data (outgoing billing data)
- special service data (traffic data).

The term 'communications data' means the:

- who
- when, and
- where of a communication.

It includes the manner in which, and by what method, a person or machine communicates with another person or machine.

It does not include:

- the content, or
- what they say or what data they pass on within a communication including:
 - text
 - audio, and
 - video.

For more detailed information, see related link: Acquisition and disclosure of communications data code of practice.

For more information about RIPA, see related link.

The single point of contact (SPOC)

Related Links

Links to staff intranet removed

External links

[Regulation of Investigatory Powers Act \(RIPA\) 2000](#)

To access communications data, you must submit an application to the SPOC. They are responsible for processing applications to access communications data. They:

- monitor applications to make sure they comply with the law
- provide expert advice on acquiring communications data, and
- forward forms to a suitably trained designated person for their consideration.

You can contact the SPOC at any point during the application process to discuss your case. They help you develop the most appropriate strategy for acquiring communications data that will be of practical use to the investigation, and offer advice on how best to use it effectively.

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Contact

<p>About this guidance Covert powers RIPA gives Covert surveillance Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This page explains who to contact for more help with a specific issue about the 'Regulation of Investigatory Powers Act (RIPA) 2000' guidance and Section 55 of the Crime and Courts Act.</p> <p>If you have read the relevant legislation and this guidance and still need more help, you must first ask your line manager.</p> <p>If the question cannot be answered at that level, you may email the central authorities unit for guidance on the policy, using the related link.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the central authorities unit who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these, by using the related link: Email: Modernised guidance team.</p>	<p>Related links Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p>
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Information owner

<p>About this guidance Surveillance and the legislation Covert surveillance Covert human intelligence sources (CHIS) Acquisition (accessing) of communications data</p>	<p>This page tells you about this version of the 'Regulation of Investigatory Powers Act (RIPA) 2000' guidance, including section 55 of the Crime and Courts Act 2013.</p> <table border="1" data-bbox="521 352 1655 847"><tr><td>Version</td><td>2.0</td></tr><tr><td>Valid from date</td><td>18 December 2013</td></tr><tr><td>Policy owner</td><td>Chris Foster</td></tr><tr><td>Cleared by director</td><td>David Pennant Sonia Dower</td></tr><tr><td>Director's role</td><td>Director - Immigration Criminal Investigation Director - Operational policy and rules</td></tr><tr><td>Clearance date</td><td>24 June 2013</td></tr><tr><td>This version approved for publication by</td><td>Chris Foster</td></tr><tr><td>Approver's role</td><td>Grade 7, immigration enforcement, criminal investigation</td></tr><tr><td>Approval date</td><td>12 December 2013</td></tr></table> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the policy team, using the related link: Email: Criminal investigation operational guidance, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	Version	2.0	Valid from date	18 December 2013	Policy owner	Chris Foster	Cleared by director	David Pennant Sonia Dower	Director's role	Director - Immigration Criminal Investigation Director - Operational policy and rules	Clearance date	24 June 2013	This version approved for publication by	Chris Foster	Approver's role	Grade 7, immigration enforcement, criminal investigation	Approval date	12 December 2013	<p>Related links Changes to this guidance Contact</p> <p>Links to staff intranet removed</p>
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