

# A Guide to Covert Surveillance Cameras Being Deployed by Non Public Authority Personnel

In order to understand the circumstances in which covert surveillance cameras can be deployed, it is necessary to understand the definitions of *surveillance* and *covert*.

**Surveillance** is defined as

‘Monitoring, observing, listening to persons, their movements, their conversations or their other activities or communications’

and

‘Recording anything monitored, observed or listened to in the course of surveillance and surveillance by or with the assistance of a surveillance device’

**Covert** is defined as

‘If it is carried out in a manner calculated to ensure that the person/s subject to the surveillance are unaware that it is or may be taking place’

Legislation called ‘The Regulation of Investigatory Powers Act 2000’ (RIPA) covers Government bodies who wish to deploy surveillance techniques. This includes the Police Service that has to justify why surveillance is necessary on an individual or premises. The law is there to protect the individuals’ rights under the Human Rights Act.

THE POLICE OR THEIR REPRESENTATIVES CANNOT ACT OUTSIDE THE  
AUTHORITY OF ‘RIPA’ AND THIS INCLUDES PERSONS ACTING ON THEIR  
REQUEST

In short, the Police cannot bypass the system of surveillance being authorised by requesting bodies (including Neighbourhood Watch) that are not subject to the Law to act on their behalf.

## Using Surveillance in known ‘Hotspots’

Advice from the Covert Authorities Bureau is clear on this and it includes if the subject (person/s) of the surveillance is not known.

If crime is happening in an area and the purpose is to find out who is responsible, then this is known generally as a ‘HOTSPOT’ then the advice is:

‘Pre planned covert surveillance of crime and disorder hotspots to determine the identity of yet unknown person/s amounts to ‘DIRECTED SURVEILLANCE’ and that will require an authorisation unless it can be shown that there is no likelihood of acquiring private information about any person/s’

## Examples

**The following are just four examples of camera (CCTV) use and are reproduced as a guide.**

1. There are a number of offences of criminal damage happening to cars at night. The Police approach the Neighbourhood Watch to deploy cameras in order to ascertain who is responsible.

### ***Authority Required***

*As the Police are requesting the surveillance and they are subject to 'RIPA' written authority is needed.*

2. A group of neighbours are having damage caused to fences at the front of their houses. They get together without Police knowledge and set up cameras in order to catch the offenders on film. They are successful and identify the culprits and they present this evidence to the Police.

### ***Authority NOT Required***

*The group is not a designated Public Authority, nor are they acting on behalf of one. They are merely presenting evidence that they have collated to the Police.*

3. There is concern that damage is being caused to vehicles on a road. The Police and Neighbourhood Watch have a meeting and decide jointly that cameras should be deployed.

### ***Authority Required***

*The Police have had an active part in the planning of how to tackle the problem and as such the deployment of the cameras would be regarded as a pre planned operation.*

4. Funding has been obtained for the purchase of cameras and Neighbourhood Watch want to put them up on lamp posts. The cameras are clearly visible and marked and they will watch a location where criminal damage has occurred. The Police have taken an active part in the overall planning of the operation and the Police will, at times monitor and use the cameras for covert surveillance.

### ***Authority NOT Required***

The cameras are OVERT and are therefore not covered by 'RIPA' legislation. However, during future use, if Officers wanted to use them to watch individuals during pre planned operations, then although the cameras are overt, they are being used for covert policing. The use of the cameras has now changed and whilst they were being used covertly any such surveillance would have to be authorised.