

New Communications Data Regulations

Part 1 Chapter 2 of the Regulation of Investigatory Powers Act 2000 (RIPA) gives local authorities and other public sector organisations, including fire and ambulance services, the power to access communications data e.g. mobile phone, postal, e mail and website data.

Further to the consultation on Part 1 Chapter 2 of RIPA conducted last year, the Home Office has published a new statutory Instrument which (subject to parliamentary approval) will come into force on 6th April 2010.

The Regulation of Investigatory Powers (Communications Data) Order 2010:

- Consolidates three previous orders (SI2003/3172, SI2005/1083 and SI2006/1878) which set out (within each public authority) what data could be accessed, for what purposes and who can authorise it.
- Maintains the grounds for which an authorisation could be given by a local authority for accessing communications data; section 22(2)(b) - i.e. for the purpose of preventing or detecting crime or of preventing disorder
- Revises the prescribed officers who can sign authorisations for local authorities to be "Director, Head of Service, Service Manager or equivalent"
- Revises the prescribed the prescribed officers who can sign authorisations for other public authorities to take account of organisational changes as well as the change of certain senior job titles e.g. fire authorities, IPCC etc.

The draft Order can be found at <http://www.opsi.gov.uk/si/dsis2010> under "Investigatory Powers".

Free Web Seminar

Ibrahim Hasan will be examining all the new codes and regulations relating to RIPA in detail during a free web seminar on Wednesday 3rd February at 11am.

More Details: <http://www.brighttalk.com/webcasts/8569/attend>

Training and Advice

Clearly there are challenges to be met by local authorities in 2010. The Office of the Interception of Communication Commissioners emphasises the need for awareness training at senior levels and specialist training for authorising officers.

Act Now Training can provide consultancy and training services from experienced trainers (led by Ibrahim Hasan and Sharon Heels) to assist local authorities in the following areas:

- Training on the new laws and codes
- Auditing and reviewing RIPA forms
- Guidance on completing RIPA forms
- Providing a RIPA helpline service
- Drafting/checking RIPA policies and procedures

SPoC Accreditation Course – 2nd and 3rd March 2010 London

This course is essential for all those public authorities who wish to access communications data. A Single Point of Contact (SPoC) needs to be in place who has attended this Home Office approved training course.

Our next course is in London on 2nd and 3rd March 2010.

Full Details: http://www.actnow.org.uk/courses/RIPA/Surveillance_Law

We are also doing a one day refresher course for existing SPoCs as well as investigating officers and Designated Persons.

Full details: <http://www.actnow.org.uk/courses/333>

These courses are designed to teach those involved in accessing communications data the full legal process from considering the legal powers to authorisation and cancellation. We will also consider the final version of the Code of Practice on accessing communications data as well as revised Home Office forms and guidance. It is essential that all RIPA authorities exercise these powers correctly as the latest report of the Interception of Communications Commissioner has criticised authorities for their policies and procedures in this area. Act Now is the UK's leading provider of courses in this area. Both our courses are at city centre venues and accredited by the Solicitors Regulation Authority and ILEX for CPD credits.

We can also do customised **in house training**:

<http://www.actnow.org.uk/content/12>

Please feel free to contact us if you wish to discuss your surveillance training/advice needs.

Ibrahim Hasan

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