

Surveillance Operations

Please can you break down the below information for each of the following calendar years (1 January to 31 December): 2018;2019;2020.

For 2020, please can the information be broken down per month. Can you also please provide me the information for the period between 1 January 2021 and 28 February 2021.

1) On how many occasions did your council carry out surveillance operations authorised under the Regulation of Investigatory Powers Act 2000 over the stated period(s)?

For Q1, please can you breakdown the information by stating on how many such occasions your council: acquired/disclosed communications data (such as telephone billing information, subscriber details, traffic information); directed surveillance (i.e. covert surveillance of individuals in public places); used covert human intelligence sources (such as the deployment of undercover officers). For each occasion your council has used the RIPA powers under one of these categories of surveillance, could you please specify in detail the purpose/reason of/for such operations (for example, but not limited to: detecting/preventing criminal behaviour in relation to environmental crime; Covid premises regulation breaches; consumer scams; loan sharks; taxi cab regulation; underage sales of knives, alcohol, solvents and tobacco; the employment of minors). Can you please also tell me in days how long each of the authorised surveillance investigations/operations lasted for, as well as if on any of the occasions the criminal offences you were investigating in relation to the surveillance operation carried a maximum custodial sentence of less than six months (please state the offence and its maximum custodial sentence).

Q1

2018

- Directed Surveillance 13/02/2018 – 21/03/2018 authorising surveillance of test purchases of tobacco and NVP products by under age volunteers. Offences under the Tobacco and Primary Medical Services (Scotland) Act 2010, which has a maximum penalty of a £2,500 fine (level 4)
- Covert Human Intelligence Source 09/05/2018 – 21/05/2018 authorising officers to covertly communicate with an unlicensed and disguised business second hand car dealer with a view to viewing an advertised car. Offences under the Civic Government (Scotland) Act 1982 and Consumer Protection from Unfair Trading Regulations 2008.
The penalty under the 1982 Act is
(a) on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
(b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both
The penalty under the 2008 Act is
(a) on summary conviction, to a fine not exceeding the statutory maximum; or
(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

- Covert Human Intelligence Source 24/08/2018 – 31/08/2018 authorising Officers to covertly carry out a test purchase of suspected counterfeit goods. Offences under the Trade Marks Act 1994. The penalties are:
 - a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding ten years, or both
- Directed Surveillance 24/08/2018 – 31/08/2018 authorising officers to monitor a seller's online posts of suspected counterfeit goods
Offences under the Trade Marks Act 1994. The penalties are:
 - a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding ten years, or both

2019

- Directed Surveillance 14/02/2019 – 18/03/2019 authorising surveillance of test purchases of tobacco and NVP products by under age volunteers. Offences under the Tobacco and Primary Medical Services (Scotland) Act 2010, which has a maximum penalty of a £2,500 fine (level 4)

2020

- Directed Surveillance 07/02/2020 – 10/03/2020 authorising surveillance of test purchases of tobacco and NVP products by under age volunteers. Offences under the Tobacco and Primary Medical Services (Scotland) Act 2010, which has a maximum penalty of a £2,500 fine (level 4)
- Covert Human Intelligence Source 25/02/2020 – 03/03/2020 authorising Officers to covertly carry out a test purchase of suspected counterfeit goods
Offences under the Trade Marks Act 1994. The penalties are:
 - a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding ten years, or both
- Covert Human Intelligence Source 28/02/2020 – 18/03/2020 authorising officers to covertly communicate with an unlicensed second hand car dealer with a view to viewing an advertised car.
Offences under the Civic Government (Scotland) Act 1982 and Consumer Protection from Unfair Trading Regulations 2008. The penalty under the 1982 Act is
 - (a) on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or

both

The penalty under the 2008 Act is

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

- Directed Surveillance 30/06/2020 – 29/07/2020 authorising officers to monitor a seller's online posts of suspected counterfeit goods
Offences under the Trade Marks Act 1994. The penalties are:
 - a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding ten years, or both

- Directed Surveillance 26/11/2020 – 17/02/2021 authorising officers to monitor a seller's online posts of suspected counterfeit goods
Offences under the Trade Marks Act 1994. The penalties are:
 - a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding ten years, or both

2) How many times was an application for authorisation for surveillance in respect to the RIPA 2000 approved by the council's appointed authorising officer but subsequently disapproved by a magistrate (failed to gain judicial approval)?

None

2a) Have any such surveillance operations in respect of the RIPA 2000 commenced before said operation/investigation had been externally approved by a court? If so, please can you tell me how long in days the operation was active before a court approved/disapproved it, what the purpose of said operation was and what day it commenced (without authorisation)- in the format DD/MM/YYYY.

None

3) How many days of surveillance in respect to the RIPA 2000 did your council request permission for over the stated period(s)?

Each authorisation is requested for the timescale prescribed under the RIPA Legislation, i.e. 3 months for Directed Surveillance and 12 months for Covert human Intelligence Source. A review date of less than 30 days is set for each authorisation. The authorisation is cancelled when no longer required. The exact length of each authorisation is stated above at Q1.

4) On how many occasions between 1 January 2018 and 28 February 2021 has your council conducted covert surveillance within a person's home or vehicle, for example- but not limited to: using a hidden camera or bugging device?

None

For Q4, if there has been any such occasion, could you please state the reason such surveillance was deemed necessary, the (criminal) offence the person/people being monitored had/were suspected to have committed, the date (DD/MM/YYYY) on which the surveillance commenced and how long the covert surveillance device/technique was carried out/installed for in days.

N/A

For all of these questions, surveillance can be defined as monitoring, observing or listening to persons, their movements, conversations or other activities and communications.