

Annex A

Recommendations for Huntingdonshire District Council as a result of the inspection conducted on 13 March 2012

No	Recommendation	Achieved (Yes / No / Partly)	Description / Comments
1.	<p>Page 4</p> <p>The SPoC should ensure that applicants always complete the latest version of the Home Office and ACPO DCG application template. The Inspector also advised that the Commissioner is happy to support the use of email providing a clear audit trail exists. All of the emails along with their email attachments must be saved electronically for this purpose. The application can be routed from the applicant to the SPoC, who then completes the SPoC report and prepares the relevant Section 22(4) Notice/s and forwards them onto the DP with the application. The DP can then record his or her considerations and approval, insert the time and date of issue on any Section 22(4) Notices, and return the documents to the AO. It would be appropriate for the SPoC to centrally store the emails and their attachments electronically and only print a hard copy when it is required. This will reduce unnecessary bureaucracy and increase the efficiency of the process.</p>	Y	<p>28.5.2012- Review undertaken to ensure only forms made available on the Home Office website are used for RIPA (Comms) Applications. Electronic process considered but due to concerns over delays with DP's not responding to emails in appropriate timescales and management of these through a general email accounting process. Decision made to 'wet-sign' all applications, and that all applications should include copies of notices that will be issued when DP signs application and dates/times the notice.</p>
2.	<p>Page 4</p> <p>Applicants should ensure that they always specify the crime/offence under investigation (including the relevant legislation or Act) as this is a key part of the necessity test. The SPoC should provide a more robust guardian and gatekeeper role in this respect in future.</p>	Y	<p>28.5.2012 following refresher training all applicants are aware of the need to specify the offence (section/act) which relates to the application. AOs/SPOC aware of need to ensure that this MUST be included before application passed to DP.</p>

3.	<p>Page 5 The SPoC must provide a more robust guardian and gatekeeper function and ensure that only lawful requirements for communications data are undertaken in future. All data requests must be approved by a DP.</p>	Y	<p>28.5.2012- Process Map and Central Log have all been updated to ensure that all applications are signed and dated/times by DP before issued. Refresher training has been undertaken by DP's and AOs in the SPOC.</p>
4.	<p>Page 5 There is no real need to submit separate applications providing that they are for the same investigation, that the source of each of the numbers and the justification for acquiring the data in respect of all of the numbers is outlined. It is recommended that this advice is followed to reduce unnecessary bureaucracy and improve the efficiency of the process.</p>	Y	<p>28.5.2012- SPOC encourage applicants to make it clear that one application can cover multiple CSP notices.</p>
5.	<p>Page 6 The AOs should ensure that any verbal or email communications that take place outside of the system are always recorded on the relevant SPoC log sheet to ensure there is an audit trail of all conduct and actions taken by the AO from the start to the end of the process. The dates of any actions should also be included in the SPoC log.</p>	Y	<p>28.5.2012- Noted. SPOC Log has been updated to reflect this recommendation. SPOC also provide more robust guidance to ensure that all applications can stand on their own without need for 'off the record' discussion about the application content.</p>
6.	<p>Page 7 The Council must ensure that it only acquires data to which it is lawfully entitled in future and that requests for traffic data under Section 21(4)(a) are not made. Paragraph 2.21 of the CoP contains some examples of traffic data and these should be drawn to the attention of relevant staff in the Council so they know they cannot acquire these data sets.</p>	Y	<p>28.5.2012- Refresher training provided to all staff regarding lawful applications and AOs in the SPOC also aware of the need to ensure that applications are made lawfully and only request data permitted by RIPA.</p>
7.	<p>Page 8 The AOs must ensure that in future all Notices are drafted and sent to the DP with the applications in order for them to</p>	Y	<p>28.5.2012- Recommendation accepted and process map reflects this requirement.</p>

	be formally issued by the DP.		
8.	<p>Page 10</p> <p>It is recommended that the streamlining procedure outline in Paragraph 3.30 in the CoP is adopted by the public authority to streamline the process when dealing with number porting, as well as in cases where it is necessary to take a more proactive approach to widen the data capture, by for example obtaining top up details, to identify the user/s of prepaid mobile phones. The AOs must ensure that Section 16 of the application is completed correctly as it describes the data to be acquired and the correct conduct which are both requirements of the Act. The data can then be acquired by serving an Assurance of an Authorisation on the CSP.</p>	Y	<p>28.5.2012- HDC now uses Assurances of Applications for ported numbers where appropriate rather than making multiple applications for the same data from various CSP's.</p>