

GWENT POLICE

LAWFUL BUSINESS MONITORING POLICY



1.0 Aims of Policy

Section 4 Regulation of Investigatory Powers Act 2000, allows the Secretary of State to make regulations authorising businesses (including public authorities) to make interceptions for monitoring or (where appropriate) keeping a record of business communications.

Gwent Police will as part of a control strategy in its drive to protect the vital assets of the organisation consider the use of Lawful Business Monitoring as authorised by the **The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000**.

To ensure the effective implementation of the above through the exercise of powers which allow the Monitoring and/or recording of communications to:

- Establish the existence of facts, or ascertain compliance with regulatory or self regulatory practices or procedures or to ascertain or demonstrate standards which are or ought to be achieved (Quality control and training)
- Act In the interest of national security (In which case only certain specified public officials may make the interception)
- For the Purpose of Preventing or detecting crime
- Investigate or detect unauthorised use of telecommunications systems
- Monitor received communications to determine whether they are business or personal communications

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

2.0 The Legal Basis

- Section 6 (1) Police Act 1996
- The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000
- Section 4 Regulation of Investigatory Powers Act 2000

3.0 Human Rights Certificate of Compliance

The policy has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with the Welsh Language Scheme

This policy aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and health and safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Identification Section

Policy Title: Lawful Business Monitoring

Reference: 101/15a issue 2

ACPO LEAD: Deputy Chief Constable

Service Area Owner: Head of Professional Standards Department

Department Responsible: Professional Standards Department

Links to other Policies/Procedure: Information Security, Data Protection, Professional Standards Reporting, Fairness at Work, Dignity at Work, Acceptance of Gifts and Hospitality, Direction and Control Complaints, Disciplinary Procedure for Police Staff, Equal Opportunities.

Policy Implementation Date: 30/10/06 Reviewed Feb 10

Policy Review Date: February 2012