

AssessmentNo	1006	Owner	michael.mcdougall	
Resource	Transformation		Service/Establishment	Regulatory
	First Name	Surname	Job title	
Head Officer	Michael	McDougall	Manager of Legal Services	
	(include job titles/organisation)			
Members	Michael McDougall			
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>			
Policy Title	COVERT SURVEILLANCE, COVERT HUMAN INTELLIGENCE SOURCES, AND SOCIAL MEDIA			
	The aim, objective, purpose and intended outcome of policy			
	The Policy details the steps required to make sure that covert surveillance whether direct surveillance or use of a covert human intelligence source complies with RIP(S)A.			
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.			
	Legal Services, Environmental Health, and Trading Standards			
Does the proposals involve the procurement of any goods or services?			Yes	
If yes please confirm that you have contacted our procurement services to discuss your requirements.			No	
SCREENING				
<i>You must indicate if there is any relevance to the four areas</i>				
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes	
Relevance to Human Rights (HR)			Yes	
Relevance to Health Impacts (H)			Yes	
Relevance to Social Economic Impacts (SE)			Yes	
Who will be affected by this policy?				
Council Officers, the public, and businesses.				
Who will be/has been involved in the consultation process?				
No consultation carried out - minor amends to existing policy.				
Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.				
	Needs	Evidence	Impact	
Age	Children should be protected from being as sources or from being subject to surveillance. Children if being used in relation to a test purchase must be protected.	Children being used as sources could impact negatively upon their family life. Test purchases are an important tool in combatting age restricted sales failures.	Positive. The Policy sets out control measures and a framework for managing children as sources and minimising collateral intrusion. Sets out safeguards where children are	

			used as part of test purchases.
Cross Cutting			
Disability			
Social & Economic Impact	Persons have a right to a family and home life. The Council should not interfere with that lightly.	Article 8 of the ECHR codifies this right to home and private life.	Positive. The Policy sets out a framework to make sure that convert surveillance operations complies with the law, necessary to pursue a legitimate aim, and the interference is proportionate to the legitimate aim.
Sex			
Gender Reassign			
Health	Convert surveillance is a key tool in monitoring business that sell age restricted products or counterfeit goods that could be harmful to health.	Selling age restricted or counterfeit goods is illegal. This is one of the areas that this policy may be used in.	Positive. Policy makes sure that sources or surveillance is legal and can be relied on in court. Protects health of sources by setting framework and making sure their use is lawful.
Human Rights	Persons have the right to a family and home life. They should not be interfered with unless it is justified. It is Article 8 that is most likely to be engaged when public authorities seek to obtain private information about a person by means of covert surveillance. Property interference activity may also engage Article 1 of the First Protocol, the right to peaceful enjoyment of possessions, which could include any property subject to interference by	Article 8 of the ECHR codifies this right to home and private life. There is cross over between the area addressed by the EHRC and UNCRC	Positive. The Policy sets out a framework to make sure that convert surveillance operations complies with the law, necessary to pursue a legitimate aim, and the interference is proportionate to the legitimate aim.

	<p>public authorities. Article 6 of the ECHR, the right to a fair trial, is also relevant where a prosecution relies on evidence obtained through an covert investigation. UNCRC considerations can be made as a matter of good practice but the the UNCRC incorporation into Scottish law does not legally impact on the Covert Surveillance legislation. Protection of children should be the prime consideration.</p>		
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sexual Orientation			
Actions			
Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.			
Will the impact of the policy be monitored and reported on an ongoing bases?			
Council Officers will review on an annual basis and the Office of the Surveillance Commissioner inspects the Council on a three yearly basis.			
Q7 What is your recommendation for this policy?			
Introduce			
Please provide a meaningful summary of how you have reached the recommendation			
EIA 1006: The Policy in relation to covert surveillance and management of covert human intelligence sources makes sure that Council Officers complies with a legal framework that makes sure that authorisations for such activities are signed off at an appropriate level with a suitable evidence base. This protects Human Rights and Equality Groups. Minor amendments have been made to clarify matters within policy.			