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## SECTION 11










# Regulation of Investigatory Powers (Scotland) Act 2000

### Introduction

- 11000 This section is divided into four parts:
- ☐ Counter Fraud Services surveillance policy statement
  - ☐ How Regulation of Investigatory Powers (Scotland) Act 2000 (RIP(S)A) was introduced
  - ☐ Brief summary and guidance on RIP(S)A
  - ☐ Completing RIP Forms
- 11001-11009

### Counter Fraud Services surveillance policy statement

- 11010  Surveillance is an intrusion into the privacy of an individual. CFS will not undertake surveillance unless it is necessary, proportionate to the alleged offence and properly authorised.
- 11011  Where there is an alternative legal means of obtaining the information which is less intrusive, the CFS will always use that alternative, rather than undertake surveillance.
- 11012  Due to the sensitive nature of directed surveillance and use of covert human intelligence sources CFS will only disclose the use of these activities to the Director of Finance (DoF) and the Fraud Liaison Officer (FLO). It must be made clear to the DoF and FLO that any further dissemination of this information is forbidden without the consent of CFS.
- 11013  In the first instance the Head of Service will be responsible for authorising directed surveillance. In his absence the responsibility will fall to the Head of Investigations, then the Operational Managers and lastly the Senior Investigator - RIP(S)A. Only as a last resort will the authorising officer take part in the surveillance activity.

- 11014  Surveillance will always be conducted within the constraints of the authorisation. It will stop when the information sought has been obtained, or when it is obvious that the information is not going to be obtained by further surveillance. At that point the authorisation will be cancelled.
- 11015  Whenever surveillance is authorised, the officer who conducts the surveillance will consider and make plans to reduce the level of collateral intrusion into the privacy of third parties.
- 11016  All outstanding surveillance authorisations will be reviewed at least monthly and cancelled where there is no further need for surveillance.
- 11017-11019
- 11020  All officers involved in applying for, authorising or undertaking surveillance will understand the legal requirements set out in RIP(S)A and the Code of Practice. They will be personally responsible for ensuring the propriety of their involvement.
- 11021  All individuals participating in surveillance must understand the purpose of the surveillance and the role that they are required to play. Only officers who are accredited and designated surveillance officers will undertake surveillance.
- 11022  All authorisations, notebooks, surveillance logs and other ancillary documentation which relates to surveillance will be maintained to the required standards and retained for seven years.
- 11023  All documentation will be available for any management or regulatory inspection on demand.
- 11024  Any failure of any part of the process will be brought to the attention of the Head of Investigations or, in his absence, an Operational Manager, who will determine what action should be taken.
- 11025  Wilful disregard of any part of the RIP(S)A Code of Practice is a breach of the CFS Manual and will be dealt as disciplinary matter.
- 11026-11059

# How RIP(S)A was introduced

## Background

- 11060 The Human Rights Act 1998 came into force in October 2000, enshrining the European Convention on Human Rights into UK law. The Act legislated for either “absolute” rights or “limited” rights. Rights may be limited where the restrictions imposed are legally justified i.e. they are prescribed by law, have a legitimate aim and are proportionate. For example, Article 5 Right To Liberty and Security is “limited” by existing legislation which empowers imprisonment for the commission of specific offences, fraud, theft etc.
- 11061 Part of the Act provides for the right to respect for private and family life, home and correspondence and is covered by Article 8. The rights conferred to under Article 8 are “limited” and the Regulation of Investigatory Powers (Scotland) Act 2000 regulates the extent of that limitation.
- 11062 RIP(S)A was passed by the Scottish Parliament in September 2000. It provides a statutory basis for the authorisation and use by public authorities of covert surveillance (both intrusive and directed), and the use of covert human intelligence sources who may be a number of things including agents, informants or undercover officers. These are important intelligence gathering tools which enable the CFS, the police and other relevant public authorities:
- ❑ To prevent or detect crime or to prevent disorder
  - ❑ Act in the interests of public safety
  - ❑ To protect public health
- 11063 Authorisation can only be made by relevant public authorities designated in section 8 of RIP(S)A or designated in an order made under section 8, and only after strict necessity and proportionality criteria are met.
- 11064 The overall aim of RIP(S)A is to provide a framework that specifies the circumstances in which certain covert investigation techniques may be used, as well as their authorisation and complaints procedure, so that their use is ECHR compliant.

11065 Prior to RIP(S)A, there was no regulation of public authorities in their use of surveillance. If a member of public believed that they were wronged by the tactics used by a public body to gather information about them, they had no right to redress and there was not independent review of an Authority's activities. RIP(S)A seeks to address this and Codes of Practice have been produced to give guidance in the application of the Act. The Office of the Surveillance Commissioners and the Investigatory Powers Tribunal have been set up as a mechanism for oversight and redress.

11066-11069

### ***Chief Surveillance Commissioner***

11070 There is an independent oversight by the Chief Surveillance Commissioner who must be a senior judicial figure and whose function is to:

- ❑ Keep under review the exercise and performance, by the persons on whom they are conferred or imposed, of the powers and duties conferred or imposed by RIP(S)A
- ❑ Provide public reassurance about the authorisation of covert surveillance

11071 The Chief Surveillance Commissioner is required to make a report each year to the Scottish Ministers. The Chief Surveillance Commissioner is supported by ordinary Surveillance Commissioners.

11072-11079

### ***Investigatory Powers Tribunal***

11080 Section 65 of the Regulation of Investigatory Powers Act 2000 establishes an independent Tribunal to consider all complaints and Human Rights Act claims, including those arising from conduct authorised under RIP(S)A. This Tribunal is made up of senior members of the judiciary and the legal profession and is independent of Government. The Tribunal has full powers to investigate and decide any case within its jurisdiction, including cases to which RIP(S)A applies.

11081-11089



## Article 8 of the Human Rights Act 1998

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Article 8 provides guidance on what considerations must be taken into account before public authorities interfere with the right to privacy. A useful mnemonic to remember these considerations by is SCALP:

<b>Subsidiarity</b>	The means of investigation should cause the minimum interference with the privacy and the rights of the individual e.g. any action taken must be the least intrusive or damaging to the rights of the individual.
<b>Compulsion</b>	How necessary is it to use that particular method of interference e.g. using a Covert Human Intelligence Source when another lesser method of surveillance would have sufficed
<b>Accountability</b>	Must be able to justify whatever action taken
<b>Legality</b>	The method of investigation must be lawful
<b>Proportionality</b>	Any action taken must be equal to the seriousness of the offence

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As a direct result of Article 8, the Regulation of Investigatory Powers (Scotland) Act 2000, known as RIP(S)A, was also introduced in October 2000. RIP(S)A applies only to public authorities and governs the manner in which covert investigations are carried out.

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Under RIP(S)A three types of covert investigation are regulated. These are:


- ☐ Directed surveillance
- ☐ Intrusive surveillance
- ☐ Covert Human Intelligence Sources (CHIS)

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These specific types of covert investigation must be authorised by a nominated authorising officer – this will usually be the Head of Service. However, the Head of Investigations, Operational Managers and the Senior Investigator RIP(S)A may also authorise surveillance.



11094 Authority can only be granted by those officers who have been designated as authorising officers under the Act by virtue of the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000, (Scottish Statutory Instrument 2000 No.343) and The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment (No. 2) Order 2003, (Scottish Statutory Instrument 2003 No. 50).

11095  Directed surveillance can only be authorised by the Head of Service, Head of Investigations, Operational Managers or the Senior Investigator - RIP(S)A, who are all designated authorising officer. Only officers who are accredited and designated surveillance officers may undertake surveillance.

11096-11139


# Brief summary and guidance on RIP(S)A

## Introduction

- 11140 Section 24 of RIP(S)A requires the Scottish Ministers to issue one or more Codes of Practice relating to the exercise and performance of the powers and duties in the Act and Part III of the Police Act 1997 (authorisation of interference with property or wireless telegraphy).
- 11141 Any person or body undertaking the surveillance activities covered by the RIP(S)A is required to comply with these codes. The codes of practice required under section 24 of RIP(S)A came into force on 11 March 2003 covering:
- ❑ Guidance on the authorisation of the use of conduct of covert human intelligence sources (CHIS) by relevant public authorities (the CFS, the police and local authorities)
  - ❑ Guidance on the use of covert surveillance by relevant public authorities and an entry to, or interference with, property (or wireless telegraphy)
- 11142  This guidance is a brief summary of the main points in the Code of Practice which must be adhered to. It explains the Code of Practice in the context of CFS investigations. This guidance is an aide for clarification and is not a substitute for the Code itself. Failure to observe RIP(S)A and the Code of Practice may lead to the exclusion of evidence in court and allow the accused to take action against NSS.
- 11143  Surveillance can only be carried out for the prevention or detection of crime against or affecting the NHS. It should always be remembered that while the use of covert surveillance is an effective way of obtaining evidence, it is also costly. All investigators considering surveillance must ensure that there is justification for using it and that the investigative objectives could not be obtained by using other, less resource-intensive methods.

11144-11149

## Liability

- 11150 The Humans Rights Act (HRA) protects an individual's right to privacy. If there has been intrusion into an individual's privacy, the CFS need to be able to show that it was necessary for the prevention and detection of crime. If CFS have complied with the Code the Practice and carried out a thorough risk assessment prior to the surveillance, we should be able to demonstrate that the use of surveillance was reasonable and had not been sought or authorised inappropriately.
- 11151 NSS is responsible for the actions of its employees and may be liable if there has been a breach of the guidelines i.e. NSS may have to compensate individuals if it is found at fault.
- 11152  Legal advice is that an employee would not be sued because of an alleged breach of the HRA. However, if the investigator had not complied with CFS guidance, the investigator may have to undertake remedial training or be subject to disciplinary procedures, depending upon the circumstances which led to the allegation.
- 11153-11159

## Covert surveillance

11160 Covert surveillance is surveillance which is carried out in a manner calculated to ensure that the persons who are subject to the surveillance are unaware that it is or may be taking place. It therefore does not include the use of Closed Circuit Television in public places – this is overt surveillance and is not covered by RIP(S)A (unless specifically used to track an individuals movements).


11161-11169

## Intrusive surveillance

11170 Intrusive surveillance is covert surveillance which is carried out in relation to anything taking place on any residential premises or in any private vehicle, and involves the presence of an individual on those premises, or in the vehicle, or is carried out by means of a surveillance device (visual or auditory) on the premises or vehicle.

11171 An example of intrusive surveillance is where a camera or a surveillance device is placed in someone's house or vehicle, or where an investigator listens to a conversation through a wall or door, or crouches down behind a vehicle to hear what is being said inside.

11172 Intrusive surveillance can only be authorised if it involves serious crime and authority needs to be granted by a chief constable and approved by a Surveillance Commissioner. It therefore follows that *CFS cannot authorise or undertake intrusive surveillance*.


11173  If a matter under investigation is so serious as to require intrusive surveillance activity, then the police must be involved and they will use their own powers.

11174-11179

## Residential premises

11180 Residential premises are any premises occupied or used, however temporarily, for residential purposes or otherwise as living accommodation. The words 'however temporarily' open up the definition to its widest sense, it includes houses, flats, holiday cottages, caravans, hotel bedrooms etc. In fact it includes anywhere where people are living and would expect a certain degree of privacy.

***Hospital wards, care homes, 'on-call' accommodation etc***

- 11181 As employees of CFS we could possibly undertake directed surveillance in hospital wards, care homes, 'on-call' accommodation etc and these types of premises will need to be considered with regard to the definition 'Residential Premises'.
- 11182  Common areas where staff have uninterrupted access as part of their duties may not be deemed to be residential premises. Hospital corridors, dining rooms, TV lounges and waiting areas will not be, but areas within the ward itself must be treated as residential premises. Certainly the area within the curtain will be classed as residential premises, as will a small side ward or a single-bedded room.

***Subject's office or work premises***

- 11183 If an area is not considered as being private but is within the subject's office or work premises consent would have to be sought from the owner/senior official.

***Example***

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A covert camera installed in an area or room, not considered as being private, within NHS premises would still be classed as directed surveillance. The angle and position of the camera would have to be considered very carefully to minimise collateral intrusion.

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11184-11189

**Private vehicle**

- 11190 A private vehicle is any vehicle used primarily for a private purpose of the person who owns it or of a person otherwise having the right to use it. Private purpose means for family, leisure and domestic use.


- 11191 A private vehicle does *not* include a taxicab.

11192-11199


## Directed surveillance

- 11200 Directed surveillance involves the observation of a person or persons with the intention of gathering private information to produce a detailed picture of a person's life, activities and associations.
- 11201 Directed surveillance is defined as:  
Surveillance, which is covert but not intrusive, and which is undertaken:
- ❑ For the purposes of a *specific investigation* or specific operation
  - ❑ In such a manner as is likely to result in the obtaining of *private information* about a *person* (whether or not one specifically identified for the purposes of the investigation or operation)
  - ❑ *Otherwise than by way of an immediate response* to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under the RIP(S) Act to be sought for the carrying out of the surveillance.

### ***Specific investigation***

- 11202  The activity must be undertaken as part of a legitimate investigation. Directed surveillance, therefore, cannot be used as part of a 'fishing exercise'. For example, an allegation is received highlighting that most GPs in a specific area are fiddling their Night Consultation Allowances. It would not be appropriate to apply for authorisation for directed surveillance, to pick one or several GPs at random and follow them over a number of nights to see if they actually carry out their consultations. There would need to be an allegation about a specific individual(s) and an investigation commenced before such activity could be considered.

### ***Private Information***

- 11203  Private information is any information relating to a person's private or family life. This should be interpreted broadly to include an individual's private or personal relationships with others. Family life should be treated as extending beyond the formal relationships created by marriage.

- 11204 Private information could include information gathered to produce a detailed picture of a person's life, activities and associations.

***Example***

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Observing a subject carrying out a financial transaction, going into a pub/club, or meeting someone in the street.

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11205-11209

***A Person***

- 11210 A person means not just the subject of the operation, but anyone who comes into contact with the operation. Therefore 'A person = Any person'.

***Example***

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A person could be the next person in the queue in a bank, other patients waiting for medicines to be dispensed at the pharmacy.

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***Otherwise than by way of an immediate response***

- 11211 Otherwise than by way of an immediate response means an immediate response to events or circumstances that, by their nature, could not have been seen.

***Example***

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An investigator is en-route to a meeting and he or she sees the subject of one of his or her investigations meeting someone at a restaurant in circumstances that have relevance to the investigation. He or she then carries out observations to try and identify the associate.

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11212-11219




## Intelligence gathering

- 11220  Authorisation is not required for initial intelligence gathering to complete the risk assessment, which may include noting vehicle registration numbers for DVLA checks. However, frequent visits for the same purpose would be regarded as part of an ongoing investigation and in such circumstances authorisation would be required.
- 11221  Before requesting a DVLA check, at least two recorded observations of a specific vehicle should have been made at the same address. Therefore records of third and subsequent observations would only occur after authorisation.
- 11222  Attempting to justify return visits as intelligence gathering (e.g. to get more registration numbers) is either breaching the spirit of the Act, when your activity should be classed as surveillance, or suggests that your initial action was not thorough and the risk assessment not robust.
- 11223  Passing observations (drive bys) could include a stop to examine the location properly, with only one observation of this type being acceptable before authorisation is sought. Driving past should not be done in such a manner that only a brief glimpses is obtained and further passes are required. It is not acceptable to justify the need for further action before seeking authorisation by such an approach.
- 11224  Further "intelligence gathering" exercises would require proper authorisation as the observations will be part of the ongoing investigation.
- 11225-11229



## Risk assessments

- 11230 An investigator may need to identify whether a location is suitable for surveillance and this will involve a reconnaissance or "drive by" of the area. This is allowed under the Code of Practice as it is necessary for the officer in charge of the proposed surveillance to identify whether the location is suitable for surveillance and to complete an assessment of the risk of collateral intrusion.
- 11231  This practice must not be abused. If surveillance is to commence immediately after the reconnaissance, authorisation must be obtained first.
- 11232-11239


## Lawful purpose

- 11240 Surveillance activity can only be lawful authorised if its purpose is for one of the following reasons:
- ☐ To prevent and detect crime
  - ☐ In the interests of public safety
  - ☐ To protect Public Health
- 11241 Preventing and detecting crime will include carrying out surveillance for intelligence purposes as well as for gathering evidence.
- 11242  Once it has been determined that the surveillance is for an appropriate purpose, then the authorising officer must take into account the following:
- ☐ Proportionality
  - ☐ Necessity
  - ☐ Collateral intrusion
- 11243-11249

## Necessity and Proportionality

- 11250  Obtaining an authorisation under the RIP(S) Act and the 1997 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. The RIP(S) Act first requires that the person granting an authorisation is satisfied that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds in section 6(3) of the RIP(S) Act for directed surveillance and in section 10(2)(a) of the RIP(S) Act for intrusive surveillance.
- 11251  Then, if the activities are necessary, the person granting the authorisation must be satisfied that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.


### ***Proportionality***

- 11252  Surveillance activity must be proportionate to the offence under investigation. For example, surveillance in a patient investigation for 7 days may be acceptable but extended surveillance for 3 months would not. On more complex practitioner investigations involving multiple subjects longer surveillance, or by more than one investigator, would be proportionate to the offence.

### ***The “balancing test”***


- 11253 A measure is disproportionate if it infringes on the rights of an individual to privacy which are not justified in the light of the objectives which it seeks to achieve.

### ***The test of “careful design”***

- 11254  The court will find surveillance to be disproportionate if it is over-broad and covers a wider range of situations than is justifiable. Therefore surveillance must be carried out in a manner to ensure that intrusive/directed surveillance is proportionate to the offence under investigation and is restricted to what is strictly necessary to obtain the information or evidence sought.

11255-11259

### ***Necessity***

- 11260  Directed surveillance will only be used where it appears that what the action seeks to achieve could not reasonably be achieved by other means. The officer making the application will need to detail what other lines of enquiry have been undertaken to demonstrate that the proposed action is necessary – almost a ‘last resort’.

### ***Example***

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Carrying out surveillance to find out financial transactions within a known bank account, when a Production Order served on the bank could achieve the same.

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11261-11269

## Collateral intrusion

11270 This means surveillance which intrudes into a third party's privacy.

### *Example 1*

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Where you take a video of a subject(s) which captures one or more innocent third parties.

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### *Example 2*

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Where you observe one or more innocent third parties coming and going from premises that the subject is within.

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Both these examples could be considered as being collateral intrusion.

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11271 If, in the course of investigating a case, a third party's privacy has been inadvertently invaded, the action should be defensible (from a legal viewpoint), providing the grounds for your investigation are sound i.e. the investigation has been undertaken to detect and/or prevent fraud, and your actions are reasonable.

11272-11299

## Obtaining authorisation for surveillance

### Written authorisation

11300 Before surveillance can be carried out, the investigation officer must:



- ☐ Complete an application on Form RIP 1 for authorisation to use surveillance
- ☐ Obtain authorisation from the Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A for surveillance in or into a public place

### Form RIP 1 - Application for authorisation to carry out directed surveillance

11301 All Form RIP 1 applications should show evidence of the considerations given to the necessity, proportionality, collateral intrusion and confidential material. This should include:

- ☐ The aims and objectives of the operation and how it is intended the objective is met
- ☐ A specific statement that there is no alternative to the use of surveillance
- ☐ The scale of intended deployment of resources
- ☐ The scale of surveillance in proportion to the alleged offence
- ☐ An estimate of the time needed to carry out the activity
- ☐ Exactly what activities are proposed
- ☐ Details of the types of locations where the surveillance is to take place (or potentially take place) and an assessment of the risk of collateral intrusion or interference
- ☐ Forms should be self explanatory and not require reference to other documentation

11302-11309

### Authority


11310 The authorising officer will state specifically what activities are authorised and this authorisation must not be exceeded. The authorising officer must be satisfied that the use of directed surveillance is proportional to the evidence it is intended to obtain.




## **Crime under investigation should be of sufficient consequence**

- 11311 The crime under investigation should be of sufficient consequence to justify surveillance and the possibility of collateral intrusion. A crime of sufficient consequence is likely to be one where there is a substantial loss of NHSS monies or where it is in the public interest to investigate. It is important that the levels of intrusion to personal privacy are proportionate to the matter under investigation. This is a judgement that needs to be made on case by case basis.


## **All other means to obtain information or evidence must be exhausted**

- 11312  The use of directed surveillance must be essential to the success of an operation. The authorising officer must be satisfied that the information or evidence sought could not be obtained by other means or that other methods have already been tried with no success.


## **Collateral intrusion**


- 11313  The authorising officer must be satisfied that the covert surveillance operation will be tightly focused on the subject(s). If there is a risk of collateral intrusion on the privacy of individuals who are not connected with the operation, this must be identified and justifiable in the context of the investigation. Every effort should also be made to minimise the risk of collateral intrusion.

## **Time limit on written authorisation**



- 11314  Written authorisation is valid for a maximum of three months, and must be reviewed at least every month.

## **Time limit on urgent oral authorisation**


- 11315  If urgent surveillance is required oral authorisation can be given by Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A. This authority will last for a maximum of 72 hours from the time it was given by the Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A.

- 11316  The investigator must complete a Form RIP 1 as soon as possible following the surveillance. The Form RIP 1 should record the reasons why the Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A considered the case to be urgent.
- 11317 If a Form RIP 1 is already in force, but the surveillance required to be undertaken is out with the scope of its authorisation, then the investigator must ensure that box 16 is completed on the Form RIP 1. The Form RIP 1 should then be passed to the Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A, to complete boxes 17 and 18. It should detail the same information as above.
- 11318-11329


## Form RIP 4 – Review of a directed surveillance authorisation

- 11330  Surveillance activity must be reviewed regularly to ensure it is still relevant and necessary. The Code of Practice states - *“This should be as frequently as is considered necessary and practicable and at no greater interval than one month”*. . Failure to review the authorisation regularly may provide grounds on which the reasonableness of the CFS’s surveillance activity could be challenged. Monthly review is a maximum and more frequent reviews may be appropriate, and will be for the authorising officer to determine
- 11331  Reviews must be conducted timeously. To achieve this:
- ☐ The Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A will state when reviews are to be conducted
  - ☐ A full and comprehensive review must be conducted by the stated review date
  - ☐ Any delay in the reviewing process may result in cancellation of the RIP(S)A authority by the Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A
  - ☐ A written report of the review using Form RIP 4 will be maintained, it is not sufficient to simply report that surveillance is still necessary
  - ☐ The Form RIP 4 must include details of all activity undertaken to date and further activity required to achieve the aims and objectives of the operation (these activities must be compliant with the original authority)
  - ☐ It is imperative that RIP(S)A applications are cancelled and a Form RIP 3 is submitted as soon as the objectives have been achieved
  - ☐ All applications for renewal must be submitted prior to RIP(S)A expiry. There cannot be any gap in RIP(S)A authority and renewal will not be authorised after the original application has expired

## Form RIP 2 – Application for renewal of a directed surveillance


- 11332  If it is necessary to continue the surveillance for longer than three months (e.g. in a domiciliary case involving 2 or 3 practitioners) an application for a renewal of authorisation for surveillance must be made on Form RIP 2.

## Form RIP 3 - Cancellation of a directed surveillance authorisation


- 11333  At the end of any surveillance which has been carried out, the Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A must complete Form RIP 3 to cancel the authorisation for surveillance.

11334-11339

## Keeping Records

- 11340 The Code of Practice puts an obligation on investigators to maintain accurate and full records of investigations.
- 11341  All staff should maintain records of the surveillance authorisations involved in the process. The authorisations and current position should be summarised and maintained on the case notes. The Head of Investigations will retain all original forms. Copies of the risk assessments, authorisations, renewals and cancellations given should be retained in the case file.



- 11342  The Code of Practice also requires the keeping of a central record of authorisations. The information to be included in the central record is as follows:
- ☐ The type of authorisation;
  - ☐ The date the authorisation was given;
  - ☐ Name and rank/grade of the authorising officer;
  - ☐ The unique reference number (URN) of the investigation or operation;
  - ☐ The title of the investigation or operation, including a brief description and names of subjects, if known;
  - ☐ Whether the urgency provisions were used, and if so why;
  - ☐ If the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer;
  - ☐ Whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
  - ☐ The date the authorisation was cancelled.
- 11343 The central record will be maintained, updated and reviewed by the Head of Investigations or in his absence the Head of Service. The central record is currently maintained as an Excel spreadsheet in the J:\ drive and this document is password protected.

## **Advice from Information Commissioner regarding informing subject of surveillance**

- 11344 In circumstances where CFS is supplying evidence/data, obtained during covert surveillance, to a HB for disciplinary action, CFS must first make the data subject "aware that their personal data had been processed as part of a covert investigation". This will need to be given careful consideration on a case-by-case basis.

## **Flowchart**

- 11345 The flowchart at **Appendix A** highlights the steps to be considered before a surveillance authorisation is sought.

11346-11399

# Completing RIP Forms

## RIP(S)A Form process


11400 The following guidance should be followed when completing RIP Forms:

Stage	Details
1	The Officer in Charge (OIC) of the investigation is responsible for completing the Form RIP 1 application form and passing it to their Operational Manager for countersigning.
2	The Operational Manager is responsible for passing the completed Form RIP 1 to the Gatekeeper (Head of Investigations) to ensure it is completed in line with the Code of Practice, paying particular attention to necessity, proportionality and collateral intrusion. The Gatekeeper is responsible for passing the completed Form RIP 1 to the Head of Service for authorisation. The original Form RIP 1 will be retained in the central record of authorisations held by the Head of Service.
3	The Head of Service (or in his absence the Head of Investigations) is responsible for passing a photocopy of the authorised Form RIP 1 to the OIC who will discuss the case/authorised Form RIP 1 with their Operational Manager. The Head of Service (or in his absence the Head of Investigations) will complete and monitor a RIP(S)A control matrix for the investigation.
4	The Operational Manager will identify/nominate a suitable Operational Commander (OC) from those who are surveillance trained.
5	The OC will take responsibility for drafting the briefing orders, running the surveillance operation, ensuring the equipment is in working order and the required personnel are available etc.
6	The OC must ensure the OIC and relevant Operational Manager are fully briefed on a regular basis to ensure the continued authorisation is necessary.
7	The OIC is responsible for completing the Form RIP 4 review form at the appropriate time and passing it to their Operational Manager for countersigning.
8	The Operational Manager is responsible for passing the completed Form RIP 4 to the Gatekeeper (Head of Investigations) to ensure it is completed in line with the

	Code of Practice, paying particular attention to necessity, proportionality and collateral intrusion. The Gatekeeper is responsible for passing the completed Form RIP 4 to the Head of Service. The original Form RIP 4 will be retained in the central record of authorisations held by the Head of Service.
<b>9</b>	The Head of Service (or in his absence the Head of Investigations) is responsible for passing a photocopy of the authorised Form RIP 4 to the OIC who will discuss the case/authorised RIP4 with their Operational Manager and the OC. Head of Service (or in his absence the Head of Investigations) will complete and monitor the RIP(S)A control matrix. <u>Stage 9 will be repeated as necessary.</u>
<b>10</b>	The OIC is responsible for completing a Form RIP 2 renewal form, if required, at the appropriate time and passing it to their Operational Manager for countersigning.
<b>11</b>	The Operational Manager is responsible for passing the completed Form RIP 2 to the Gatekeeper (Head of Investigations) to ensure it is completed in line with the Code of Practice, paying particular attention to necessity, proportionality and collateral intrusion. The Gatekeeper is responsible for passing the completed Form RIP 2 to the Head of Service. The original Form RIP 2 will be retained in the central record of authorisations held by the Head of Service.
<b>12</b>	The Head of Service (or in his absence the Head of Investigations) is responsible for passing a photocopy of the authorised Form RIP 2 to the OIC who will discuss the case/authorised Form RIP 2 with their Operational Manager and OC. The Head of Service (or in his absence the Head of Investigations) will complete and monitor the RIPS A control matrix.
<b>13</b>	The OIC is responsible for completing the Form RIP 3 cancellation form at the appropriate time and passing it to their Operational Manager for countersigning.
<b>14</b>	The Operational Manager is responsible for passing the completed Form RIP 3 to the Head of Service (or in his absence the Head of Investigations) for authorisation. The original Form RIP 3 will be retained in the central record of authorisations held by the Head of Service.
<b>15</b>	The Head of Service (or in his absence the Head of Investigations) is responsible for passing a photocopy of the authorised Form RIP 3 to the OIC who will discuss the case/authorised Form RIP 3 with their Operational Manager. The Head of Service (or in his absence the Head of Investigations) will complete the RIP(S)A control matrix.

- 
- 16** Once the directed surveillance authorisation is cancelled all copy forms must be destroyed. All original forms will be retained in the central record of authorisations held by the Head of Service.
-

## Form RIP 1

- 11401  Form RIP 1 needs to be completed whenever any kind of planned directed surveillance is to be undertaken. The completed form should be self-explanatory and not require reference to other documentation; it must be able to stand on its own.

### *When to complete Form RIP 1*

- 11402 Completion of a Form RIP 1 is necessary when it has been decided to carry out directed surveillance on one or more subjects. The 3-month authorisation period starts from the date shown in box 11 of the Form and will be reviewed, as a minimum, on a monthly basis.

## Completing Form RIP 1

- 11403 Enter the following details on the top half of the first page:

Section	Enter
<b>Op Ref No</b>	Enter File number
<b>Public authority</b>	The Common Services Agency (more commonly known as National Services Scotland) for the National Health Service Scotland. Headquarters of the Common Services Agency is: Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB
<b>Name of applicant</b>	Name of investigator who will be responsible for surveillance
<b>Unit/Branch/Division</b>	Counter Fraud Services
<b>Full address</b>	Earlston House, Almondvale Business Park, Almondvale Way, Livingston, EH54 6GA
<b>Contact details</b>	Applicant's contact telephone number at work and email address
<b>Operation Name</b>	Enter operation name

11404-11409

## Details of application section

### Box 1

11410 Box 1 states:

***‘Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000, No 343; The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment Order 2001, No. 87 and The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Amendment (No. 2) Order 2003, No. 50.’***

11411 Enter one of the following options in Box 1:

#### Enter

---

Name -----, Head of Service, NHSScotland Counter Fraud Services, Earlston House, Almondvale Business Park, Almondvale Way Livingston, EH54 6GA

---

Name -----, Head of Investigations, NHSScotland Counter Fraud Services, Earlston House, Almondvale Business Park, Almondvale Way Livingston, EH54 6GA

---

Name -----, Operational Manager, NHSScotland Counter Fraud Services, Earlston House, Almondvale Business Park, Almondvale Way Livingston, EH54 6GA

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Name -----, Senior Investigator - RIP(S)A, NHSScotland Counter Fraud Services, Earlston House, Almondvale Business Park, Almondvale Way Livingston, EH54 6GA

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***Box 2 - Describe the conduct to be authorised and the purpose of the investigation or operation***

11412 Record in this box:



- ☐ The aims and objectives of the operation and how it is intended the objective is met
- ☐ The type/method and purpose of surveillance to be undertaken e.g. Authorisation for deployment of static, foot and CCTV directed surveillance is sought to confirm if the subject of this application Mr Joseph Bloggs, a patient who claims to use a taxi to commute from his home (state address) to hospital (state hospital name and address) is in fact using a taxi for these journeys as stated on his claim form or is as the allegation suggests another cheaper mode of transport being used
- ☐ How surveillance will be conducted e.g. still camera, video camera, visual observations with notes taken

11413-11419

***Box 3 - Identify which grounds the directed surveillance is necessary under Section 6(3) of RIPSA***

11420 Only enter a cross in the first box "for the purpose of preventing or detecting crime or of preventing disorder".

***Box 4 - Explain why directed surveillance is necessary in this particular case***


11421 Highlight whether the information sought could reasonably be obtained by other means. The alternatives may not be feasible, sufficiently reliable or practicable. It is not necessary for all other means to have been tried and failed but that in all the circumstances, such other means would not be practicable or would be unlikely to achieve what the action (directed surveillance) seeks to achieve within a reasonable time or to the necessary evidential standard.


11422 You must supply:



- ☐ Summary of investigation
- ☐ Exactly what activities are proposed
- ☐ What options other than surveillance have been considered/used and the outcome of those options

**Box 5 - Explain why the directed surveillance is proportionate to what it seeks to achieve**


11423  The information entered here needs to be considered carefully. Surveillance can only be conducted for a period which is considered reasonable in relation to the suspected offence. All surveillance must be justified. Avoid bland statements such as: 'the matter under investigation is a serious crime therefore the surveillance is proportionate'.

11424  You must supply:

- ☐ A specific statement that there is no alternative to the use of surveillance
- ☐ The scale of intended deployment of resources
- ☐ The scale of surveillance in proportion to the alleged offence
- ☐ The length of time required for surveillance
- ☐ How the number of officers involved in surveillance will be deployed at any one time for the type(s) of surveillance to be undertaken?


11425-11439

**Box 6 - The nature of the surveillance to be authorised, including any premises or vehicles involved**

11440  You must supply:

- ☐ The location(s) where surveillance will take place e.g. if surveillance is to take place at a contractor's premises, state the name and address of premises
- ☐ If the intention is to follow the subject(s), state where from and to. If the route/destination is unknown, say so
- ☐ Any information about the subject's normal routine in relation to the alleged offence
- ☐ Any information known regarding premises or vehicles linked with the subject

**Box 7 - Investigation or operation to be carried out. The identities, where known, of those to be subject of the directed surveillance**

11441  In this box you must enter details of all subjects who are to be the subject of surveillance and state:

- ☐ Name of subject
- ☐ Address
- ☐ Date of birth of subject
- ☐ Age of subject



11442 If subject name is not known, note whether male or female and give as full a description as possible.

11443-11449

***Box 8 - Explanation of the information which it is desired to obtain as a result of the authorisation***

11450 Record in this box what information can be achieved from the resulting authorisation to prove or disprove the alleged offence.

11451 The information recorded must be objective and not indicate a presumption of guilt towards the subject.

***Example***

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Wording such as "In order to prove Dr X has committed a fraud" would show that the investigation is not being carried out impartially and therefore not within the spirit of the Act.

---

11452-11459

**Box 9 - Details of any potential collateral intrusion and why the intrusion is unavoidable Collateral intrusion**

11460 Record in this box:

- ☐ Whether surveillance will intrude into a third party's privacy i.e. someone other than the subject(s) of surveillance:
  - ⇒ members of the public in the surveillance area
  - ⇒ work colleagues of the subject
  - ⇒ neighbours
  - ⇒ children of the subject(s) etc
- ☐ Plans for minimising intrusion on the third party:
  - ⇒ Explain why the location is suitable for surveillance and whether officers and/or equipment can be positioned to minimise intrusion
  - ⇒ Whether the length of time taken for surveillance can be limited in any way
  - ⇒ Show whether surveillance periods can be limited to specific times
  - ⇒ Confirm if there is any scope for reducing the number of officers conducting surveillance in any particular location

**Box 10 - Confidential/Religious material**

11461 Confidential material consists of:

- ☐ Matters subject to legal privilege
- ☐ Confidential personal information
- ☐ Confidential journalistic material

11462 The Code of Practice gives a detailed explanation of each of the above.

11463 Record in this box "It is unlikely that the CFS will obtain confidential/religious material in the course of the surveillance operation".

11464-11469

**Box 11 - Anticipated start date**

11470 If surveillance is to commence as soon as authorisation is given *leave box 11 blank*. If not, complete this box and explain why this date has been chosen.



- 11471 Surveillance cannot begin earlier than the date and time shown in box 14. The authorisation on Form RIP 1 expires at the end of the 3-month period starting from the date in box 14, irrespective of the date that is entered in box 11 e.g. If box 14 shows “14 November 2001”, the authorisation will expire on “13 February 2002”.

***Box 12 – Applicant’s details***

- 11472 The officer who is applying for authorisation to carry out directed surveillance should complete this box.

11473-11479

***Box 12a – Countersigning officer’s comments***

- 11480 Where applicable the Operation Manager should countersign the application.

***Box 13 - Authorising officer’s comments***

- 11481 The authorising officer should reflect that individual consideration has been given to the request for directed surveillance, taking into account the necessity, proportionality and appropriateness of it and explain why.

- 11482 The authorising officer must also:



- ☐ Consider information provided in boxes 2-10 of the Form RIP 1
- ☐ Record if options other than surveillance are appropriate and why
- ☐ Record if the proposed surveillance is a reasonable means of achieving the desired result
- ☐ Record whether surveillance is excessive in relation to the investigation/type of practitioner fraud

11483-11499


- 11500 The authorising officer will use this box to direct when the first review of the case should take place. The review must take place at intervals *not longer* than 1 month, but depending on the circumstances of the case, the review may be conducted more frequently.




***Box 14 - Authorising officer’s statement***

- 11501 The authorisation period starts from the date box 14 is completed and not from the anticipated start date shown in box 11.



11502  The authorisation officer must also show the time the authorisation was made. This will provide an audit trail, which will help identify whether the applicant conducted surveillance before authorisation was given. The authorisation officer should state exactly what he is recommending. It is not enough to state “as detailed above” etc.


11503  The authorisation officer must also clearly state the name and address of the individual who is to be the subject of the surveillance activity. The expiry date of the surveillance must also be shown at the end of the authorisation officer’s statement.

11504-11509


***Box 15 - Confidential material authorisation***

11510 This authorisation will be given by the Head of Service if needed. Current legislation i.e. the Statutory Code of Practice states that such applications should in fact be authorised by the Chief Executive of NSS. However, the Scottish Government Justice Department have approved a change to the Code of Practice making the Head of Service responsible for such authorisations. The Code of Practice will be amended in due course.

***Box 16 - Urgent authorisation: Details of why the application is urgent***


11511  Urgent applications must only be used sparingly. If urgent surveillance is necessary to establish pertinent facts an explanation must be given.

***Box 17 - Authorising Officer’s statement***

11512  This must include why the authorising officer or person entitled to act in their absence considered the case urgent.



11513-11519

***Box 18 - Urgent cases: not reasonably practicable for the authorisation to be considered by a person otherwise entitled to act***

11520  This box must be completed when none of the three authorising officers are available to authorise an urgent application. An explanation of why the authorisation officers were not available and the attempts made to contact them must be given.

11521-11599

## When to complete Form RIP 2

- 11600  Form RIP 2 must be completed by the applicant not more than 10 working days prior to expiry of Form RIP 1 authorisation/previous renewal authorisations.
- 11601  The renewal authorisation will last for a period of 3 months and will be reviewed on a monthly basis, as a minimum, by the authorising officer (Head of Service, Head of Investigations, Operational Managers or Senior Investigator - RIP(S)A).
- 11602-11609

## Completing Form RIP 2

- 11610 Enter the following details on the top half of the first page:

Section	Enter
<b>Op Ref no</b>	Enter File number
<b>Public authority</b>	The Common Services Agency for the National Health Service Scotland,  Headquarters of the Common Services Agency is: Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB
<b>Name of applicant</b>	Name of investigator who will be responsible for surveillance
<b>Unit/Branch/Division</b>	Counter Fraud Services
<b>Full address</b>	Earlston House, Almondvale Business Park, Almondvale Way, Livingston, EH54 6GA
<b>Contact details</b>	Applicant's contact telephone number at work
<b>Operation Name</b>	Enter operation name
<b>Renewal number</b>	Show 1, 2 or 3 depending on whether the renewal application is the first or subsequent

- 11611-11619

## Details of renewal section

### ***Box 1 - Renewal numbers and dates of any previous renewals***


#### **Renewal Number**

- 11620 Record in this box the number of each *previous* renewal e.g. "1" "2". It is unlikely that any CFS investigation would require more than one renewal request.


#### **Date**

- 11621 Record in this box the date the *previous* renewal was signed by the authorising officer.


### ***Box 2 - Detail any significant changes to the information as listed in the original authorisation as it applies at the time of renewal***

- 11622  Having reviewed boxes 2-10 of Form RIP 1, record any changes for the individual case. The information entered here will enable the authorising officer to determine whether continuing the surveillance is still necessary and appropriate.

### ***Box 3 - Detail the reasons why it is necessary to continue with the directed surveillance***

- 11623  Record in this box the reasons why it is still necessary to continue surveillance. The details must be specific and include what is to be achieved by further directed surveillance.

### ***Box 4 - Explain why the directed surveillance is still proportionate to what it seeks to achieve***

- 11624  In this box explain why the directed surveillance is still proportionate to what it seeks to achieve. When applying for a renewal of a directed surveillance you must consider if the activity is still proportionate.

11625 You must supply:



- ☐ Sufficient information to re-assure the authorising officer that the renewal of a directed surveillance is justified and still proportionate (including details of any new subjects included)
- ☐ Emphasise the level of intrusion against what the directed surveillance expects to achieve
- ☐ The length of time required for the renewal of a directed surveillance
- ☐ How the number of officers involved in surveillance will be deployed at any one time for the type(s) of surveillance to be undertaken?
- ☐ How surveillance will be conducted e.g. still camera, video camera, visual observations with notes taken

11626-11629

***Box 5 - Indicate the content and value to the investigation of the product so far obtained by the surveillance***

11630 Explain in this box what has been achieved so far and how useful it is to the investigation. This will indicate to the authorising officer whether further surveillance is necessary.



***Box 6 - Give details of the results of the regular reviews of the investigation or operation***

11631 The applicant needs to detail the results of the regular reviews of the investigation or operation.



***Box 7 – Applicant’s details***

11632 The officer who is applying for the renewal to carry out further directed surveillance should complete this box.




***Box 7a – Countersigning officer’s comments***


11633 Where applicable the Operation Manager should countersign the application.

***Box 8 - Authorising officer’s comments***

11634 Comments must include what consideration has been given to the application and why further authorisation of *surveillance is or is not appropriate*.




11635  The authorising officer should record when the first review of the case should take place, taking into account the information in box 5.

11636  Reviews must take place at intervals not longer than 1 month, but depending on the circumstances of the case, reviews can be conducted more frequently.


11637-11649

### ***Box 9 - Authorising officer's statement***

#### **Renewal from time**

11650  In this box record "00.00".

#### **Date**

11651  This is the day after the previous authorisation expired. The renewal authority begins with the day when the earlier authorisation would have expired, *but* for the renewal.

#### ***Example***

---


Original authorisation granted on 14 November 2001 and due to expire on 13 February 2002. Application for renewal cannot be made earlier than 2 February 2002. Authority for renewal runs from 14 February 2002 and last for 3 months.

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11652-11699



## When to complete Form RIP 3

- 11700  The authorising officer must cancel an authorisation if he is satisfied that the directed surveillance no longer meets the criteria for authorisation. Where the authorising officer is no longer available, this duty will fall on the person who has taken over the post of authorising officer or the person who is acting as authorising officer until the post is filled.

11701-11709

## Completing Form RIP 3

- 11710 Enter the following details on the top half of the first page:

Section	Enter
<b>Op Ref No</b>	Enter File number
<b>Public authority</b>	The Common Services Agency for the National Health Service Scotland,  Headquarters of the Common Services Agency is: Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB
<b>Name of applicant</b>	Name of investigator who will be responsible for surveillance
<b>Unit/Branch/Division</b>	Counter Fraud Services
<b>Full address</b>	Earlston House, Alomdvale Business Park, Almondvale Way, Livingston, EH54 6GA
<b>Contact details</b>	Applicant's contact telephone number at work and email address
<b>Operation Name</b>	Enter operation name

11711-11719


## Details of cancellation section

### ***Box 1 - Explain the reason(s) for the cancellation of the authorisation***

11720 Give full details as to why it is no longer necessary to continue surveillance. Examples are:

- ☐ Objective(s) established? If not, why?
- ☐ Objective(s) achieved by means other than surveillance?
- ☐ Subject(s) no longer part of investigation? etc

### ***Box 2 - Explain the value of the surveillance operation***

11721  What was achieved as a result of the authorisation for surveillance, with reference to box 8 of the Form RIP 1 or box 5 of the Form RIP 2? If there has been no value to the surveillance an explanation must be given.

11722-11729

### ***Box 3 - Applicant's details***

11730 The officer who is applying for the cancellation of a directed surveillance authorisation should complete this box, if he or she has completed boxes 1 and 2.

### ***Box 4 – Countersigning officer's comments***

11731 Where applicable the Operation Manager should countersign the application.

### ***Box 5 - Authorising officer's statement***

11732 The authorising officer should complete this box.

### ***Box 6 - Time and date when the authorising officer instructed the surveillance should cease***

Date

11733 Expiry of original or renewal 3-month period of authorisation from Form RIP 1/RIP 2 respectively.

***Example***

---

Form RIP 1/RIP 2 signed by authorising officer on 14 November 2001 and expires on 13 February 2002. Therefore, date to be shown will be *13 February 2002*.

---

**Time**

11734 In this box record "23.59". Authorisation is given on a daily basis and expires at midnight.

***Box 7 - Authorisation cancelled***

11735 Enter the date the last observation carried out.

11736-11799

## Covert Human Intelligence Source

- 11800 A Covert Human Intelligence Source (CHIS) is someone who gets into a relationship with the CFS, the police etc. This means more than someone approaching the CFS with information e.g. via the Fraud Reporting Hotline. If you are in a relationship with a CHIS, you will probably be asking the source to target specific people or job, or tasking them to get a particular piece of information.
- 11801 The CFS Intelligence Function will be responsible for auditing and reviewing FINDS to ensure there is no unauthorised use of covert human intelligence sources. This will involve a search on the referral source to establish whether an individual is passing information to CFS on a regular basis. This will exclude FLOs and other NHS employees whose responsibility is to pass allegations of fraud to CFS.
- 11802 A person is a CHIS if the person:
- ❑ Establishes or maintains a personal or other relationship with an another person for the covert purpose of facilitating the doing of anything falling within paragraphs mentioned hereunder
  - ❑ Covertly uses such a relationship to obtain information or to provide access to any information to another person
  - ❑ Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

### ***Example***

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A member of staff in a dental surgery approaches you and tells you that she suspects that the dentist she works for is submitting claims for fictitious patients. You ask the member of staff if she could provide you with a list of the fictitious patients. She does not know off the top of her head the names of all the fictitious patients, but is able to obtain this for you. This member of staff has now become a CHIS because you have tasked her with obtaining information for you and before asking her to get the list of fictitious patients you should have sought authority from an operational manager.

---

11803-11809

## Not a CHIS

- 11810 Members of the public, patients or practitioners who:
- ❑ Provide information or assistance to the CFS, having no expectation of reward, and have information which is received by them in the normal course of their life
  - ❑ Having obtained information through their trade or business as part of their normal business practices, suspect criminal activity and report their suspicions to the CFS, but there is no attempt to direct their actions, nor to develop/enhance that relationship in any way are not regarded as a CHIS

### *Example*

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XXXXX

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11811-11819

## “Use” and “Conduct”

- 11820 There are two principles in respect of the activities of a CHIS - “use” and “conduct”.

### *Use*

- 11821 This describes the part played by the investigator in the association with a CHIS, i.e. what the investigator has tasked the CHIS to do.

### *Conduct*

- 11822 This is the way in which a CHIS actually carries out their part of the association, i.e. what the CHIS does to covertly obtain or disclose information.

## Confidential Source - Protecting a CHIS

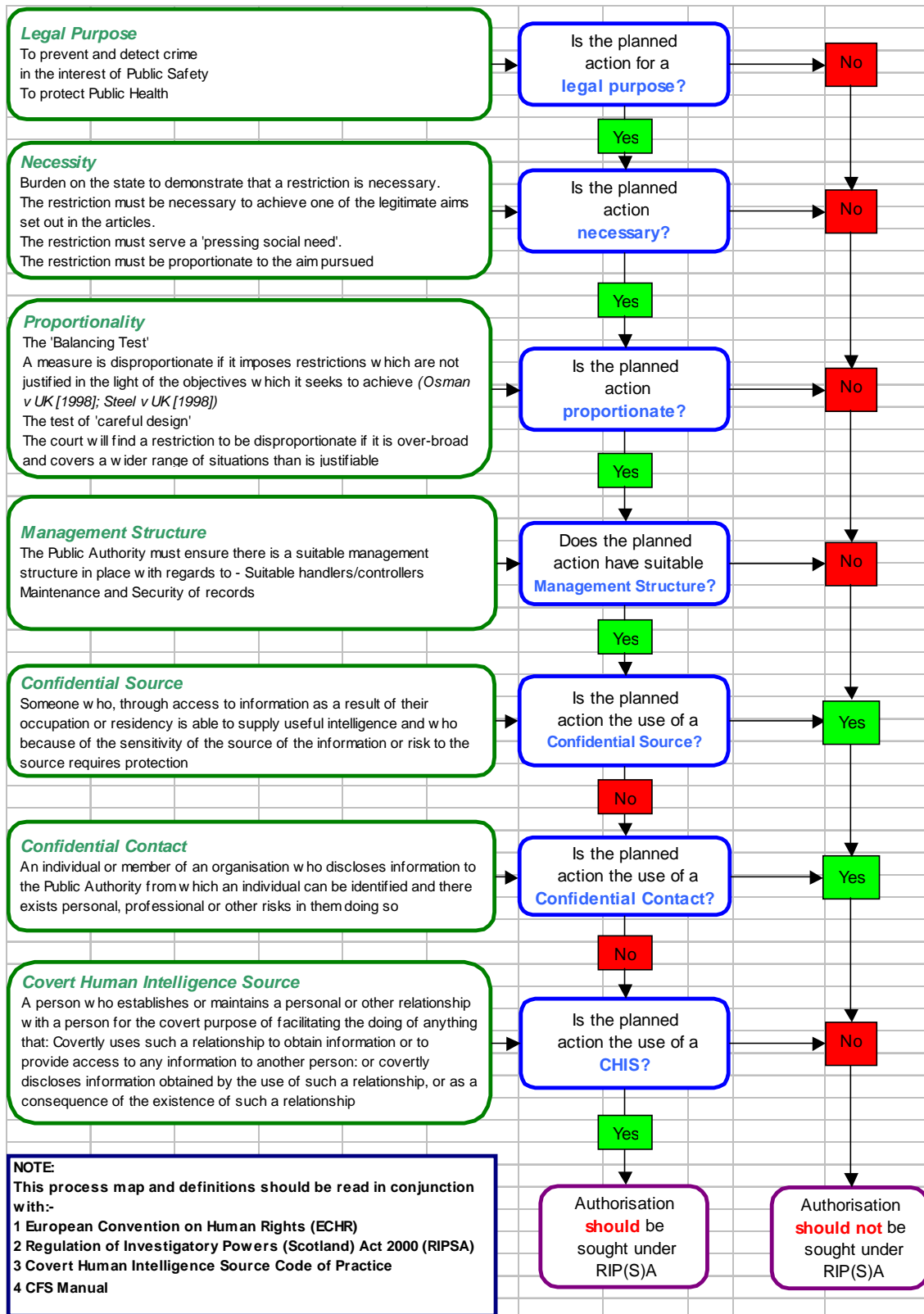
- 11823 For information on a Confidential Source and protecting a CHIS see CFS Manual – Section 2 – Investigative Code of Practice – Part I.

### Flowchart

- 11824 The flowchart at **Appendix B** highlights the steps to be considered before CHIS authorisation is sought.

11825-11999

## Appendix A



## Appendix B

