

# Surveillance Policy



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## 1. Purpose

To provide a framework for the carrying out of covert surveillance by the Liverpool City Region Combined Authority (LCRCA) and Merseytravel (hereafter referred to as “the organisations”) in a manner that will ensure all legal obligations are met.

The legal basis for processing any data gathered via surveillance arises from the employee’s contract of employment and surveillance will only be undertaken when the organisations believe that it is necessary in the public interest to protect funds and assets or in the investigation of possible criminal activity.

## 2. Definitions

Surveillance is defined as including:

- The targeted observation or listening to individual persons, their movements, their conversations or their other activities; or
- The recording of anything observed or listened to in the course of surveillance; and
- Surveillance by or with the assistance of a surveillance device.

Surveillance should not be confused with routine employee monitoring in the day to day course of business which the organisations undertake having due regard to the Employee Practices Code.

Monitoring is a routine and non-targeted management function that can be used for reasons such as establishing that quality of work produced meets required standards; safe working practices are being followed; and / or policies are being complied with. It generally involves the reviewing of pre-existing recorded, captured or reported material.

Surveillance will only be undertaken in response to a specific allegation or concern, which would typically relate to a suspicion of fraud, irregularity or non-compliance with policy or procedure. Any enquiries of this nature will be undertaken in accordance with the Investigation Protocol and in compliance with the Guidance for Officers Undertaking Surveillance.

## 3. Policy Statement

The organisations support the objectives of the Human Rights Act (HRA) 1998, the Data Protection Act 2018 and the General Data Protection Regulations, the Regulation of Investigatory Powers Act (RIPA) 2000, the Protection of Freedoms Act 2012 and the Employee Practices Code.

The following guiding principles shall form the basis of any covert surveillance activity undertaken by the organisations:

- Covert surveillance shall only be undertaken where it is deemed absolutely necessary to achieve the desired aims.
- Covert surveillance shall only be undertaken where it is considered proportionate to do so.
- Covert surveillance shall only be undertaken in a manner that it is proportionate.
- Adequate regard shall be had to individuals' rights and freedoms, including those who are not the target of the covert surveillance.
- All authorisations to carry out covert surveillance shall be granted by designated Authorising Officers specified in 6. Responsibilities below ('AOs').
- Any member of staff who is subject to disciplinary action as a result of covert surveillance has the right to view the original copies of authorisation forms and appropriate related documentation.

## 4. Scope

The policy applies to all employees.

## 5. Policy Evaluation

Evaluation of the Policy will be undertaken as appropriate by the Head of Internal Audit, Head of Legal, Democratic Services and Procurement and the Head of People and Customer Development.

Revisions to the Policy will be subject to formal approval by the organisations' managing bodies.

## 6. Responsibilities

The Chief Executive and Director General, Director of Integrated Transport Services, Director of Resources and Director of Corporate Development will fulfil the role of Authorising Officers

The Head of Internal Audit is responsible for deploying this Policy across the organisation.

The Head of Legal, Democratic Services and Procurement is responsible for oversight; ensuring that the use of surveillance by the organisation is consistent with the Surveillance Policy.

The Head of Human Resources and Development is responsible for ensuring that surveillance undertaken to facilitate disciplinary investigations is carried out in accordance with internal people policies and procedures.

Officers involved in any part of the Surveillance process are responsible for ensuring that this Policy and Guidance for Officers Undertaking Surveillance is complied with.