



Altogether Better Policing

DURHAM CONSTABULARY POLICY

Durham Constabulary Freedom of Information Act Publication Scheme	
Name of Policy	Lawful Business Monitoring Policy
Registry Reference No.	DCP 167
Policy Owner	Head of Professional Standards & Legal Services
Date Approved	13 May 2014
Governance Board	FLG
Life Span	3 years
Version	1.1
Protective Marking	Official
Publication Scheme Y/N	Y
All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation	

Version Control (The first final version of a document will be version 1.0, subsequent draft versions will increase by 0.1, e.g. 1.1, 1.2. When the revised document is deemed final, and agreed at the relevant Governance Board, this will then become version 2.0)

Date	Version	Reason for Change / Update & Comments	Produced / Amended by	Reviewed / Agreed by
May 2014	1.0	Initial Document, to be agreed in FLG	DI Kirtley	N/A
<i>July 2018</i>	<i>1.1</i>	<i>Policy Reviewed – no changes required therefore FLG approval not required</i>	<i>CI Victoria Martin</i>	<i>CI Victoria Martin</i>

1.0 Name of Policy

1.1 Durham Constabulary Lawful Business Monitoring Policy

2.0 Purpose and Scope

2.1 To provide Durham Constabulary with a regulated framework for the lawful and ethical monitoring, interception, and recording of internal Force communication and IT systems. This policy covers situations where the above is for the purpose of the prevention, investigation and detection of crime, identification and investigation of misconduct matters and the unauthorised use or misuse of Durham Constabulary systems and assets. This policy complements the Electronics & Communications Policy in regard to the stated purpose.

2.2 The policy further extends to provide Durham Constabulary with a regulated framework for the lawful and ethical opening and searching of lockers, desks, draws, vehicles and other assets/property issued to Force personnel and contained upon or within Force premises. This policy covers situations where the above is for the purpose of prevention, investigation and detection of crime, identification and investigation of misconduct matters and the unauthorised use or misuse of Durham Constabulary systems, premises and property.

3.0 Motivation or Driving Forces

3.1 The primary business of Durham Constabulary is the prevention and detection of crime. It follows that any use of Force systems, assets and premises in furtherance of a criminal purpose or in circumstances which would constitute misconduct is directly relevant to the business of Durham Constabulary and as such would clearly be unauthorised. The Force IT systems and internal communication systems are used wholly or in part in connection with that business. Items of property i.e. lockers, drawers, desks and vehicles are also supplied to assist Force personnel in connection wholly or partly with Force business. Durham Constabulary aims to ensure that all users achieve and maintain the highest standards of integrity in the performance of their duties and will use Lawful Business Monitoring in achieving that aim.

4.0 The Legal Basis

4.1

- Regulation of Investigatory Powers Order 2010
- Regulation of Investigatory Powers Act 2000
- The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000

- Human Rights Act 1998
- Data Protection Act 1998
- The Police Act 1997
- Computer Misuse Act 1990
- Police & Criminal Evidence Act 1984
- Police Conduct Regulations 2008
- The Police (Amendment No.3) Regulations 2012
- Police Reform & Social Responsibility Act 2011

4.2 Other reference documents

- The Durham Constabulary Electronic Communications Policy & Guidance.
- Durham Constabulary Information Security Policy.
- Durham Constabulary Confidential Systems Security Operating Procedures.
- Durham Constabulary Data Protection & Information Security Operating Controls & Procedures.
- The Airwave Code of Practice.
- The Police and Criminal Evidence Act 1984 Codes of Practice A-G.
- Information Commissioner's Office – Employment Practices Code and Supplementary Guidance.
- Regulation of Investigatory Powers Act 2000 Revised Code of Practice re Covert Surveillance and Property Interference.
- Information Commissioner's Office – CCTV Code of Practice (revised edition 2008).

5.0 Policy Statement

- 5.1 Durham Constabulary is committed to providing reassurance to the community of County Durham and Darlington and Partner Agencies that processes are in place to safeguard the integrity of all Force personnel and the information/property contained within Force systems and premises.

6.0 Brief Description of the Attached Appendices

- 6.1 All procedure, tactics and guidance relating to this policy are included on the Procedures, Tactics and Guidance document which accompanies this policy and is protectively marked as RESTRICTED.

7.0 Monitoring and Review

- 7.1 To achieve the required level of assurance the following methods of review and evaluation will be used:

Three yearly reviews in line with:

- Policy effectiveness and feasibility in the business area concerned.
- Any changes to legislation or common law.
- Challenges to the policy.
- Any identified inefficiencies in relation to its implementation.

8.0 Availability of Policy

- 8.1 The policy and associated guidance will be published on the Force Intranet Site. Only the policy will be published for the public via the Durham Constabulary website.

9.0 Appeals Procedure

- 9.1 This policy is owned by the Professional Standards & Legal Services Department and as such any complaints or appeals about the content and application of this policy should be addresses to the Head of Professional Standards & Legal Services.
- 9.2 Additionally Durham Constabulary operates a 'Achieving Fairness at Work Policy'. The main purpose of the policy is to ensure that individual members of staff who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given every opportunity to have their grievances resolved in a fair and just manner. It is a flexible means of resolving problems at work and intended to resolve issues as quickly as possible.
- 9.2 Complaints about the overall policies and procedures of the Force as well as a number of other issues relating to quality of service or operational decisions should be made to the Chief Constable of Durham Constabulary at the following address:

The Chief Constable

Police Headquarters
Aykley Heads
Durham
DH1 5TT
Tel 0345 60 60 365
Fax 0191 3752011
Email CFR@durham.pnn.police.uk