



Policy Title: Lawful Business Monitoring

Date Published/Reviewed: August 2021

Thames Valley Police ensures that all policies have been assessed and comply with MoPI Guidance, and the Data Protection Act 2018. In addition, this Policy has been reviewed by The Force Head of Health, Safety and Environment and has undergone an Equality Impact Assessment.

1.0 About this Policy

1.1 Rationale

This policy sets out the rationale for lawful monitoring and recording of communications conveyed on the Thames Valley Police (TVP) telecommunications systems.

1.2 Legislation/National Standards

- Investigatory Powers Act 2016 (IPA 2016)

1.3 Intention

This policy relates to part 2 of the Investigatory Powers Act 2016 which allows businesses, including public authorities, to monitor electronic communications (e.g. telephone calls, fax transmissions, e-mails, and internet access) transmitted on their systems for certain purposes. (This does not include calls on force issue mobile phones made over national networks such as Vodafone).

1.3 General Principles

The use of this policy will govern the review of all staff communications and their compliance with the relevant Standards of Professional Behaviour, the Code of Ethics and other policies related to communication.

2.0 Statement of Policy

Intercepting communications

2.1 The Investigatory Powers Act 2016 establishes a basic principle that communications may not be intercepted without consent or appropriate authorisation and ensures compliance with the Human Rights Act 1998, Article 8 'Right to respect of private and family life'.

2.2 Interception by business for monitoring and record-keeping is covered within section 46 of the Investigatory Powers Act 2016. This section allows businesses, which includes public authorities, to intercept communications on services and equipment provided to conduct that business in order to monitor and record activity on those systems.

Staff statement

2.3 All potential users of the TVP communications systems are warned as follows:

You work within an organisation that deals with confidential and sensitive matters. You are required to maintain the highest professional and ethical standards. To ensure that these standards are maintained, any activity by persons using the TVP communication systems may be monitored and recorded.

Any individual who may use TVP communications should be aware that the use of such communications should be for police business use only and that you may be asked to justify any use outside of those parameters.

Access to these systems is for police business therefore any activity carried out by the user **should not be considered private**. A reminder about the appropriate use of police systems is communicated on every occasion a member of staff logs onto a Force issue device or terminal. If deemed appropriate recorded activity will be used in criminal or misconduct proceedings.

2.4 The organisation will, when appropriate use internal communications in order to remind staff of the obligation to make themselves aware of this policy and its contents.

Applications for monitoring and recording

2.5 The application for the monitoring and recording of communications will be considered on an individual basis. An authority to live monitor and/or record communications within TVP communications systems will be made by the Detective Inspector or above within the Professional Standards Department.

3.0 Human Rights Articles Engaged

Human Rights Act 1998:

Article 6 - Right to a fair trial

Article 8 - Right to respect of private or family life

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Article 10 - Freedom of expression

Article 11 - Right to freedom of peaceful assembly and to freedom of association

By engaging any of the aforementioned Articles, there is a potential to engage Article 14 of the Convention. The enjoyment of the rights and freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property or birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

4.0 Health and Safety at Work

No impact.

5.0 Communications, Challenges and Representations

5.1 Communication

TVP shall endeavour to bring the contents of this policy to the attention of all potential users of its communication systems.

5.2 Challenges and representation

Challenges/representations in respect of decisions made in applying this policy should be addressed to:

Deputy Chief Constable
Thames Valley Police
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

Any challenges or representations in respect of the policy should be addressed to:

Head of Professional Standards
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

6.0 Review Date

This policy shall be reviewed and revised at least annually and is next due for a review in August 2022.

7.0 Related Guidance

The Investigatory Powers Act 2016.

8.0 Freedom of information

Suitable for publication.

9.0 Government Security Classification Policy

This policy shall be marked as Official.

10.0 Relevant Supporting information

Electronic Communications Policy