

- Is the proposed action lawful?
- Is the proposed action necessary (for a legitimate aim)?
- Is the proposed action proportionate to the crime or incident being investigated (not a sledgehammer to crack a nut)?
- Is the proposed action non-discriminatory?

In 2014, the Data Retention and Investigatory Powers Act 2014 (DRIPA) was introduced. This was in response to the European Court of Justice (ECJ) judgment of 8th April 2014 which declared a previous Data Retention Directive (2006/24/EC) invalid. DRIPA makes clear that anyone providing a communications service to customers in the UK, regardless of where that service is provided from, should comply with lawful requests made under the Act and requires relevant companies to retain certain types of CD for up to 12 months, so this may later be acquired by law enforcement and used in evidence.

The Acquisition and Disclosure of Communications Data Code of Practice (CoP) was issued by the Home Office and approved by Parliament on 1 October 2007 and subsequently amended on 25 March 2015. The CoP provides guidance to public authorities on the correct procedures for accessing CD under the provision of the Act. The CoP is deemed admissible in evidence in both criminal and civil proceedings.

Part 1, Chapter 2 Regulation of Investigatory Powers Act 2000 (RIPA) (the Act) defines communication data into three separate types. Number three of three being:

Traffic Data (section 21(4)(a)) – data comprised in or attached to a communication for the purpose of the postal or communication service – incoming call data, cell site / location information, call line identity, and other records. Authorisation

CD may only be sought if a DP believes it is necessary for one or more of the following statutory purposes to which I do ob-claim disclosure towards:

- For the purpose of preventing or detecting crime or of preventing disorder (S22(2) b);
- For the purpose, in an emergency, of preventing death or injury or any damage to a person’s physical or mental health, or of mitigating any injury or damage to a person’s physical or mental health (S22(2) g);
- To assist investigations into alleged miscarriages of justice (Article 2(a));

Repeat CFS Caller’s: -

There is a clear issue contained within the respondent’s application for an Antisocial Behaviour Order (ASBO) order in regards to repeat callers CFS, there is a huge number of instances where a duplicate call in the Antisocial Behaviour Order (ASBO) can be identified, the call handler on the dates of the incidents in question must cross-reference the CAD to the original CFS. The calls must be correctly linked for future retrievability but are not and have still been added to the case file by the developing and investigating police officer in such a way that it is hard for any person to be able to clearly define the difference from each suspected victim and I do not understand how this is fair or correct to display evidence in such away to gain a Proven plea against any citizen of the state.

Disclosure with Regards to the Communications Data Bill: -

Communications Data Bill is the Bill that provides an updated framework for ensuring the availability of communications data and its obtaining by public authorities. It contains standard provisions in respect of, amongst other things, orders and regulations, commencement and extent. The new regime replaces Part 1 Chapter 2 of the Regulation of Investigatory Powers Act 2000 (“RIPA”) and Part 11 of the Anti-Terrorism Crime and Security Act 2001 (“ACTSA”) and sits alongside the Data Retention (EC Directive) Regulations 2009. The Bill is in three Parts.