

Committee: Full Council

Date: Tuesday, 8
October 2024

Title: Regulation of Investigatory Powers Act
("RIPA") Annual Review

Lead Member: Councillor Edward Oliver, Chair of the Audit
and Standards Committee

Report Author: Nurainatta Katevu, Head of Legal and
Monitoring Officer

Summary

1. This Report updates on the Council's current use of RIPA and reports on the annual policy review.
2. It also updates the current Policy which was last approved by Full Council on 8 October 2021.
3. The report was considered by the Audit and Standards Committee on 26 September 2024 and has been recommended for approval to full Council.

Recommendations

4. That the content of the report be noted by Council.
5. That full Council adopt the updated RIPA Policy in Appendix B.

Financial Implications

6. None

Background Papers

7. Appendix A being the tracked version for member information.
8. [Adoption of policy regarding the use of Covert Surveillance under the Regulation of Investigatory Powers Act 2000 \(Full Council Report, July 2021\)](#)

Impact

- 9.

Communication/Consultation	None as in compliance with best practice guidance and the Committee's terms of reference.
Community Safety	None

Equalities	In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.
Health and Safety	None
Human Rights/Legal Implications	This is in the body of the report.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	The officer involvement required to comply with these statutory obligations are factored into service plans and work plans.

Situation

10. RIPA regulates the use of certain surveillance powers by public authorities, including: –

- Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual), –
- Use of Covert Human Intelligence Sources (CHIS), and
- Access to communications data (e.g. details of subscribers to telephone numbers or email accounts)

11. The Council is a very rare user of these powers. However, it is important that it has sufficient oversight of its activities to ensure that any considered use is compliant with the subject's human rights.

12. The Council is required to have arrangements and a RIPA Policy in place. The current one was last approved by Full Council 20 July 2021.

13. External Inspections are carried out from time-to-time by the Investigatory Powers Commissioner's Office ('IPCO'), so it is important that all documentation is properly completed and (where relevant) authorised to confirm that it is carried out on a lawful basis. The last inspection was held in July 2018. There were recommendations received from the IPCO which have now been complied with apart from training of relevant staff due to the recent changes in personnel. Training is set for early November 2024 following attendance of key officers at an ACT Now training on October 8th 2024. The council is due for a review this year dependent on the IPCO's inspection scheduling requirements. At the point of writing the report, no inspection date has been arranged by the IPCO.
14. Members should note the Council has not used surveillance powers or accessed communications data for some time.
15. In terms of Communications data, the Investigation Powers Act 2016 provided an updated framework for lawful acquisition of Communications Data, to include the who, where, what, when and how a Local Authority can obtain communications and Communications Data (Entity and Events Data).
16. There are no ongoing authorisations.
17. The Home Office publishes national Codes of Practice on the use of RIPA powers by public authorities. These help public authorities assess and understand whether and in what circumstances it is appropriate to use covert techniques. The codes also provide guidance on what procedures need to be followed in each case. The Council must have regard to the relevant Code of Practice whenever exercising powers covered by RIPA. The Investigatory Powers Commissioner (IPC) conducts regular inspections of all public authorities to ensure compliance with RIPA, and the Codes of Practice.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
It is important that the Council continues to operate in accordance with RIPA to ensure that it is able to effectively manage its reputational risk whilst also exercising its	2	2	Regular training and update on legalisation to relevant officers via the RIPA Co-ordinator

legitimate evidence gathering powers in connection with enforcement activity.			
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.