

SUBJECT:	REGULATION OF INVESTIGATORY POWERS ACT 2000 UPDATE
DIRECTORATE:	CHIEF EXECUTIVE
REPORT AUTHOR:	BECKY SCOTT, LEGAL & DEMOCRATIC SERVICES MANAGER

1. Purpose of Report

- 1.1 To update members on the revised Code of Practices issued to support the Regulation of Investigatory Powers Act 2000 (RIPA) and report the number of authorisations since the last report to Executive in 2018.

2. Background

- 2.1 The Council has a RIPA Policy which cover implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council is responsible.

The Policy includes the procedures for obtaining authorisations and together these explain:

- the purpose of the Act in relation to the Council's functions
- the circumstances which it applies to
- how to make sure that it is complied with
- functions of the Central Register
- process for authorisations
- details for authorisations
- Guidance on the use of Social Media in investigations

3. The RIPA Policy was approved by Executive in June 2016, and it was confirmed in July 2017 and July 2018 that no amendments were needed in the update report as to use of the authorisation process. The number of authorisations to carry out RIPA activity since the last report to Executive is nil.
 - 3.1 The Council will be inspected by the Investigatory Powers Commissioner's Office on 17th July 2019. Any known outcomes will be reported to Executive during the meeting, and any recommendations actioned accordingly.
 - 3.2 The last inspection occurred in January 2016. The outcomes of that inspection were limited however were implemented and in particular the need to keep awareness raised through training is an ongoing requirement. This has been carried out, in particular, in the area of social media surveillance.

4. Revised Codes of Practice

4.1 In August 2018 the following revised Codes were implemented:-

- a) Covert Surveillance and Property Interference
- b) Covert Human Intelligence Sources

These are available for viewing online at:

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

4.2 The legal team has now received some training on the new Codes and in the meantime issued a briefing note to all relevant managers about the use of Social Media as a result of the revised Codes providing additional guidance about this area. The Codes do not change the legislation in any way, nor affect the content of the Council's policy, however it gives more guidance on the term 'private information' and provides examples about how to apply the Codes and the legislation.

4.3 The location of the Codes are referenced in the RIPA policy. The Guidance for use of Social Media in Investigations now includes a briefing note prepared for managers for completeness. This has been passed to all Service Managers through their forum.

5. Authorisations

5.1 There have been no authorisations applied for nor obtained through the Magistrate's Court since the last report to Executive.

6. Organisational Impacts

6.1 Finance

There are no finance implications in this report.

6.2 Legal Implications

As outlined in the report.

6.3 Equality, Diversity & Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The Council's RIPA policy enhances transparency in decision-making. For any authorisation applied for, the Council will ensure that requests consider any potential impact on individuals and groups who share protected characteristics.

7. Risk Implications

7.1 (i) Options Explored

It is considered a requirement to include reference to these revised Codes into the RIPA policy.

7.2 (ii) Key Risks Associated with the Preferred Approach

None.

8. Recommendation

8.1 That members note this report.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? Two

List of Background Papers: None

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