

Report to: Audit & Governance Committee Meeting: 1 February 2023

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Report Summary	
Report Title	Regulation of Investigatory Powers Act 2000 (RIPA) Annual Report
Purpose of Report	To report to the Committee: <ul style="list-style-type: none"> i. Activity by the Council under RIPA from 2021 to date ii. Relevant minor amendments to the RIPA policy iii. An update on mandatory training for officers.
Recommendations	That the report be noted.
Reason for Recommendation	For the committee to be aware of the use of RIPA activities as the RIPA policy requires annual reporting to this Committee.

1.0 Background

- 1.1 The Regulation of Investigatory Powers Act 2000(RIPA) gives the Council certain powers to undertake covert surveillance and monitoring activities in relation to some investigations undertaken by the Council. Since 2017 the Investigatory Powers Commissioner’s Office (IPCO) has been responsible for the oversight of the use of RIPA.
- 1.2 There is a strict authorisation process set out in the legislation requiring that all applications are considered by designated members of the Council’s Senior Leadership Team before final authorisation is sought in the Magistrates Court. The Council is required to submit an annual statistical return to the IPCO on the number of authorisations made and the Council is also subject to periodic inspections by the IPCO.
- 1.3 The Council is also able to obtain certain communications data (i.e. data about electronic communications - the who when and where of a communication - not the content itself) through the National Anti-Fraud Network (NAFN) who are an expert provider accredited by the IPCO and the Home Office. NAFN submits an annual statistical return to the IPCO of the number of submissions made by the Council requesting information from NAFN.

1.5 A programme of monitoring and review is set out in the Council's RIPA policy and guidance. This includes annual updates to this Committee. The last committee report was presented to the former Policy and Finance committee on 25 November 2021. This report covers the period from November 2021 to 1 January 2023.

1.6 Annual Activity November 2021 to 1 January 2023

There have been no new authorisations sought or refused by the Magistrates court during this period. The Council's use of authorised RIPA surveillance has always been and remains extremely low. This is in line with the majority of other authorities; particularly those who do not have services such as Trading Standards or Consumer Protection teams.

1.7 The Council will submit the annual statistical return to IPCO for the 2022 period by 31 January 2023 when it is due. There have been Nil returns to IPCO since 2016.

2.0 Minor amendments to the Council's RIPA Policy

2.1 The Council is required to have a policy governing the law and procedure for undertaking surveillance and how that integrates with RIPA. The policy should be published on the website and also on the intranet for reference by staff undertaking any investigations involving surveillance. Detailed procedural guidance is also published on the staff intranet.

2.2 Minor amendments have been made to the policy and procedure to reflect changes in names/job titles of relevant officers. No substantive amendments are required at this time.

3.0 Training

3.1 Ongoing advice and training is provided to investigating officers on a case by case basis throughout the year. More formal training is planned to be completed by end March 2023 to investigating officers in relevant teams, together with refresher training for officers authorised to approve applications for submission to the Magistrates Court.

Implications

In writing this report and in putting forward recommendations' officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Police & Finance Committee 25 November 2021 ([published](#))