

Report to: Audit & Governance Committee Meeting: 21 February 2024

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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: i. Activity by the Council under RIPA from 2023 to date ii. An update on 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 Audit & Governance Committee on 1 February 2023. This report covers the period from January 2023 to present.
- 1.6 There have been no new authorisations sought or refused by the Magistrates court during this period.
- 1.7 There have been 'nil' returns to IPCO since 2016. The Council's use of authorised RIPA surveillance has always been and remains extremely low. This is in line with most other authorities; particularly those who do not have services such as Trading Standards or Consumer Protection teams.

2.0 Training

- 3.1 Ongoing advice and guidance is provided to investigating officers on a case by case basis throughout the year. Refresher training was delivered to investigating officers, and authorising officers who might be required to consider applications for submission to the Magistrates Court, in March 2023.

3.0 Proposal

- 3.1 It is proposed that the Committee again includes an annual review of the operation of the Council's RIPA Policy in the Committee's work plan. No updates to the Council's policy, except to appoint the Principal Legal Officer (Litigation) as RIPA Co-Ordinating Officer, are considered necessary currently.
- 2.2 Officers will undertake a review of the resources published on the Council's intranet including the availability of induction training on RIPA for new starters. Refresher training is anticipated to be delivered in Autumn 2024.

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.

Audit & Governance Committee report of 1 February 2023 is published -

<https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=298&MId=817>