

Review of the Regulation of Investigatory Powers Act 2000 (RIPA)

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Purpose of the Report

1. Following an Inspection of our RIPA procedures by the Investigatory Powers Commissioner's Office, the Council's RIPA Policy and Procedures Guide needs to be updated and those changes approved and adopted.

Forward Plan

2. This report did not appear in the Forward Plan as it was uncertain when the Inspector's report would be received and whether changes would be required.

Public Interest

3. The Council must have arrangements in place to ensure compliance with the Regulation of Investigatory Powers Act 2000 ('RIPA') and those arrangements are subject to inspection by the Investigatory Powers Commissioner's Office ('IPCO'). This is achieved through the adoption of a set of policy and procedures that ensure compliance with the requirements of the legislation. The Council has had procedures in place for authorising and conducting necessary surveillance since 2002. Members should review the use of RIPA and set the policy at least once per year. They should also consider internal reports on the use of RIPA periodically to ensure it is being used consistently with the policy and that the policy remains fit for purpose. Members may recall that the policy was amended and adopted in January of this year due to the change in Senior Responsible Officer and the need to appoint additional authorising officers; however since then, the Council has received an inspection report that has made recommendations for further changes.

Recommendations

4. That the District Executive:
 - a. Note the Council's use of RIPA powers; and
 - b. Approve and adopt the revised Regulation of Investigatory Powers Act 2000 Policy and Procedures Guide attached at Appendix 1.

Background

5. RIPA provides a statutory mechanism to make sure that the way investigatory powers are used by organisations like councils and government departments complies with human rights law, in particular the European Convention on Human Rights.

As mentioned above, the Council must have arrangements in place to ensure compliance and is subject to inspection by the IPCO.

RIPA was introduced in order to provide the correct balance between an individual's right to privacy and the proper use of data and surveillance by those public authorities who are entrusted by law to carry out certain enforcement duties. The Act identifies certain areas where carrying out these enforcement duties will inevitably conflict with an individual's right to privacy. The main areas which are of concern to the Council are:

- The use of directed surveillance ; and
- The use of covert human intelligence sources ('CHIS').

Some of this Council's activities necessarily require surveillance as part of its enforcement functions, such as benefit fraud investigations, environmental, planning and licensing enforcement and other fraud investigations. However, the use of RIPA powers by the Council has been very limited (**see Appendix 2**). This summary shows there have only been two authorisations sought since 2008, which reflects the fact that the powers are used very much as a "last resort" and other means of obtaining the necessary evidence are relied upon first.

The Council has had arrangements and procedures in place for authorising and conducting necessary surveillance since 2002; training for practitioners from relevant services and authorising officers has also been provided on a regular basis.

The Inspector undertaking the inspection of November 2017 indicates the Council's Guide is a good guide for authorising and applicant officers alike, and says it remains an "extremely well-constructed document". However, the Inspector set out a small number of amendments that he considers would be of benefit.

The revised Guide is attached at **Appendix 1**. The amendments delete powers no longer available under RIPA, but include the management of a CHIS, amendments to review periods, and information on when RIPA is applicable to directed surveillance and when it is applicable to a CHIS.

The Guide also includes details of the Authorising Officers, all of whom have had recent relevant training for their authorising role; further general training will take place for appropriate officers who may need to use or consider the use of RIPA in their position. This is to take place following the completion of Phase 2 and 3 of Transformation.

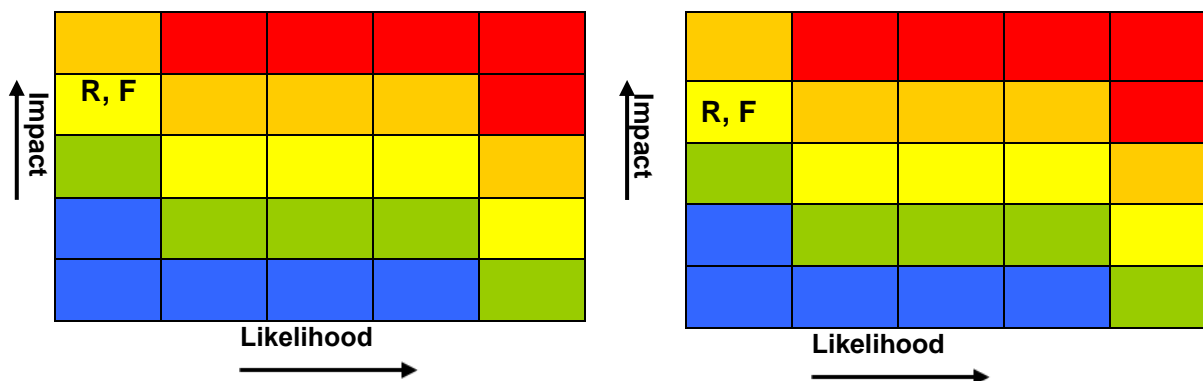
Financial Implications

6. There are no financial considerations associated with this report

Risk Matrix

Risk Profile before officer recommendations

Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

7. Providing high quality, cost effective services.

Carbon Emissions and Climate Change Implications

8. No such implications arise from this report.

Equality and Diversity Implications

9. This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Privacy Impact Assessment

10. Personal data will be dealt with in accordance with data protection law and principles.

Background Papers

Appendix 1 - Corporate Policy and Procedures Guide on The Regulation of Investigatory Powers Act 2000 (with appendices 1 – 5)

Appendix 2 - The Spreadsheet of RIPA Authorisations
