

CABINET
7 MARCH 2023

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Responsible Cabinet Member -
Councillor Scott Durham, Resources Portfolio**

**Responsible Director -
Elizabeth Davison, Group Director of Operations**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform and update Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in September 2022.

Summary

2. The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
3. The Investigatory Powers Act 2016 ("IPA") is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.
4. This report updates members on issues relevant to this area of work and gives details of RIPA directed surveillance applications and IPA communications data applications that have been authorised since the last report to Cabinet.

Recommendation

5. It is recommended that :-
 - (a) Members note the developments that have taken place since September 2022.
 - (b) Members receive further reports on the Council's use of RIPA and IPA and other associated issues.

Reasons

6. The recommendations are supported by the following reasons :-

- (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.
- (b) To help in giving transparency about the use of RIPA and IPA in this Council.

Elizabeth Davison
Group Director of Operations

Background Papers

- (i) Investigatory Powers Commissioner’s Office, Disclosing information to IPCO, Guidance for those who want to disclose information about the use of investigatory powers, August 2022
- (ii) IPCO Quarterly Newsletter: Autumn 2022
- (iii) The Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022

Amy Wennington : Extension 5466

S17 Crime and Disorder	The appropriate use of and oversight of RIPA and IPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.
Health and Wellbeing	There are no specific implications for Health and Wellbeing
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	The RIPA Policy treats all groups equally
Wards Affected	All wards
Groups Affected	All groups
Budget and Policy Framework	This does not represent a change to the Council’s budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	The appropriate use of powers is a legislative requirement
Efficiency	Clarity about the lawful use of RIPA and IPA will help in the efficient use of powers
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

Raising Concerns

7. The Investigatory Powers Commissioner's Office ("IPCO") has published guidance for those who want to disclose information about the use of investigatory powers. The guidance relates to disclosures concerning any matters that fall within IPCO's oversight. It also makes clear that, where appropriate, an employer's internal whistleblowing policy should be considered first. Links to the guidance is published on the website with other information about RIPA, and also on the RIPA page of the intranet.

CHIS Code of Practice

8. On 19 October 2022 a draft Statutory Instrument was laid in relation to this updated Code of Practice. The purpose of the instrument is to bring into force the revised Covert Human Intelligence Sources Code of Practice ("the CHIS Code"). The revised CHIS Code has been updated to reflect amendments made to RIPA by the CHIS (Criminal Conduct) Act 2021.

Training - Update

9. Training sessions were held during September and October 2022 for Council Officers in service areas that use or may need to consider using RIPA. This training was delivered by the Principal Lawyer (Litigation).
10. In addition, all of the designated Authorising Officers and members of the Chief Officers Executive and Chief Officers Board also received refresher RIPA training. This training was delivered by the Assistant Director, Law and Governance.
11. It is an essential requirement for us to conduct annual refresher training with our staff and we have to demonstrate our compliance with this requirement when we are inspected by the Investigatory Powers Commissioner's Office, which is usually at three-yearly intervals.

Bi-Annual Report Regarding this Council's RIPA and IPA usage

Directed Surveillance Authorisations

12. There have been no authorisations granted since the last Cabinet Report.

Communications Data Authorisations

13. There have been no authorisations granted since the last Cabinet Report.