
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	21ST JANUARY 2015	CATEGORY: DELEGATED
REPORT FROM	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR – 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	REGULATION OF INVESTGATORY POWERS ACT 2000 (RIPA) – INSPECTION, POLICY & GUIDANCE DOCUMENT AND QUARTERLY REPORT	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 To approve the Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Policy and Guidance document in light of recommendations following Inspection by Assistant Surveillance Commissioner HH Norman Jones QC of the Office of Surveillance Commissioners.
- 1.2 To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000 in the last quarter at 4.4.

2.0 Purpose of Report

- 2.1 To receive a report regarding the Council's Inspection by the Office of Surveillance Commissioners and approve the Council's Regulation of Investigatory Powers Act 2000 Policy and Guidance document, as set out in **Appendix A**.
- 2.2 To note the report on the Council's use of the Regulation of Investigatory Powers Act 2000 since 1st August 2014.

3.0 Detail

- 3.1 The Office of Surveillance Commissioners (OSC) was set up to monitor compliance with RIPA. The OSC has a duty to keep under review, the exercise and performance by the relevant persons, of the powers and duties under the Act. The Surveillance Commissioner will from time to time inspect the Council's records and procedures for this purpose.
- 3.2 An Inspection by the Assistant Surveillance Commissioner, HH Norman Jones QC, took place on 29th September 2014. The inspection was conducted by way of discussion and interview with the Chief Executive, the Director of Finance and

Corporate Services, the RIPA Co-ordinating Officer, and the Client Services Manager.

3.3 The Inspector examined the Central Record of Authorisations and a number of RIPA issues were discussed with Officers. Among issues considered were:

- actions taken on past recommendations;
- the decline in levels of authorisation;
- the management of RIPA;
- Authorising Officers;
- training;
- Covert Human Intelligence Sources (CHIS);
- the use of Social Networking Sites for investigatory purposes;
- the Protection of Freedoms Act 2012;
- policy and procedures;
- reporting to Councillors.

3.4 The Inspector made the following recommendations:

Amend the Central Record of Authorisations

The Inspector noted amendments had been made to reflect a recommendation of the last Report. However, the Inspector advised it would be helpful to expand the record to include applications for approval and results from the Magistrates Court.

Increase the number of Authorising Officers and provide training for the Authorising Officers

The Council, largely following recommendations by the OSC, had steadily reduced the number of Authorising Officers to two. The Inspector recommended at least one other Authorising Officer be appointed.

Training to cover issues arising from the use of Social Networking Sites as an investigatory tool

It was recognised useful information may be found on social networking sites. The Inspector recommended a small number of Officers receive appropriate training and the Council's training programme be updated with an additional module regarding this matter.

Amend the RIPA Policy and Guidance document

The Inspector noted this document had been revised to accommodate for the provisions made by the Protection of Freedoms Act 2012. The policy was approved at the last inspection and the Inspector noted it remained a good source of information and guidance for Authorising Officers and applicants. The Inspector suggested a few minor amendments, which have been incorporated into the document at **Appendix A**.

4.0 Conclusions

4.1 The Inspector noted irrespective of the fact South Derbyshire District Council has not engaged in covert surveillance for almost 5 years, it was encouraging Officers principally concerned with RIPA were alert to the requirements of the legislation in the event they had to resort to its use. He stated it was particularly encouraging to note the enthusiasm of the Senior Responsible Officer and the RIPA Co-Ordinating Officer and their wide knowledge of the subject.

4.2 The Inspector stated the Council has kept abreast of RIPA developments and had established a good training system. He further noted steps were taken to ensure

there was a wide awareness of RIPA throughout the Council thus reducing the risks of unauthorised surveillance.

- 4.3 The usage of RIPA during the period August 2014 to November 2014 was nil. No authorisations were requested or granted.

5.0 Financial Implications

- 5.1 None arising directly from this report.

6.0 Corporate Implications

- 6.1 The Council must act in accordance with legislative changes regarding the authorization process and the surveillance crime threshold.

7.0 Community Implications

- 7.1 Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. The Council carries out directed surveillance which is covert, not intrusive, is not carried out in an immediate response to events, and is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual.
- 7.2 Section 8 of the application form asks the applicant to supply details of any potential collateral intrusion and to detail why the intrusion is unavoidable. The idea behind collateral intrusion is to identify who else, apart from the subject of the surveillance, can be affected by the nature of the surveillance. Any application for authorisation should include an assessment of the risk of the collateral intrusion and this should be taken into account by the Authorising Officer when considering proportionality. The Authorising Officer needs to know by those carrying out the surveillance if the investigation or operation would unexpectedly interfere with the privacy of individuals not covered by the authorisation. An Authorising Officer must be made aware of any particular sensitivities in the local community.

8.0 Background Papers

None