

AUDIT COMMITTEE

Update of the Regulation of Investigatory Powers Act 2000 (RIPA) Policy 27 November 2019

Report of, the Information Governance Manager

PURPOSE OF REPORT

To approve the proposed changes to the authority's "RIPA" policy as detailed in this report, specifically in relation to the use of Social Media and the implications that this may have.

This report is public.

RECOMMENDATIONS

- (1) **Members are requested to approve the revised RIPA policy attached at Appendix A to reflect the guidance contained in the revised Code of Practice for Covert Surveillance and Property Interference (August 2018)**

1.0 Introduction

1.1 Local authorities can undertake surveillance and access communications data under the framework of the Regulation of Investigatory Powers Act 2000. The rules set high standards for all public authorities that use these powers to undertake a range of enforcement functions to ensure they can keep the public safe and bring criminals to justice, whilst protecting individuals' rights to privacy.

1.2 The RIPA policy was last reviewed and approved by the audit committee on 28 November 2018.

Following the revision of the Code of Practice in August 2018 and the omission in the update of November 2018, the policy has been amended to include:

- 1) Social Media Surveillance information,
- 2) The process to be followed for access to Social Media for investigation
- 3) Officer training.

2.0 Proposal Details

2.1 The Code of Practice requires a number of best working practices to be adopted by all public authorities, including:

- An annual review of the authority's use of RIPA to ensure that it is being used consistently and in accordance with the Council's policy; and
 - An annual review of the policy ensuring that it remains fit for purpose

2.2 In 2017 The Investigatory Powers Commissioner's Office (IPCO) took over the inspection and oversight functions on the application of RIPA, which was previously carried out by the Surveillance Commissioner's Office.

2.3 The IPCO have stated that they will continue to ensure Local Authorities are complying with RIPA by conducting a programme of inspections. As a generality, their aim is to inspect each authority once every three years but have also introduced remote desktop inspections for authorities that have significantly reduced or stopped using their powers under RIPA and when there are no apparent significant compliance concerns.

Lancaster City Council has made one RIPA authorisation since 2014 and as such when Mr Graham Wright, the IPCO inspector, completed his report of September 2017, he did so without a visit to the council.

It is not clear as to whether the council will require a desktop inspection on this occasion, but this should become clear once the IPCO has reviewed Lancaster's Annual Statistical Return.

2.4 The Council's next Annual Statistical return is due in January 2020.

2.5 This committee will be asked to complete the annual review of the authorities use of RIPA in their February 2020 meeting.

2.6 The Information Governance Manager will ensure that staff requiring guidance on the use and application of RIPA are provided with training or refresher training (including the use of social media) whichever is appropriate to ensure that the council remains compliant with the law.

3.0 Details of Consultation

3.1 The Monitoring Officer, Legal Services and Corporate Fraud have been consulted in compiling this report.

4.0 Options and Options Analysis (including risk assessment)

4.1 There are no other options available. It is necessary to carry out a regular review and update of the RIPA policy to ensure it supports the council's officers and protects the rights of the public when carrying out surveillance.

If there is no clear guidance on the use of social media, the council is at risk of falling foul of the law when attempting to go about its business which simply cannot be risked.

5.0 Conclusion

- 5.1 Updating the policy will ensure that the council remains compliant with the law and will ensure that Officers are able to provide auditable records of activity in relation to social media.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

Not Applicable

LEGAL IMPLICATIONS

The approval of this recommendation will ensure that the statutory requirements are complied with.

FINANCIAL IMPLICATIONS

None directly arising from this report. Training for staff to ensure that they are kept up to date with appropriate practice and revisions to RIPA will be allocated from existing budgets.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Amy Holland

Telephone: 01524 58 2205

Email: ajholland@lancaster.gov.uk