

# **AUDIT COMMITTEE**

## **Annual Review of the Regulation of Investigatory Powers Act 2020 (RIPA) Policy and Procedure**

**23 March 2022**

### **Report of the Information Governance Manager**

#### **PURPOSE OF REPORT**

- To update the committee on the current state of the RIPA policy and Procedure
- To review the authorities use of RIPA since it was last considered in Audit Committee in November 2020

**This report is public.**

#### **RECOMMENDATIONS**

- (1) **Members asked to note that there are no changes proposed to the RIPA policy this year but that this policy will remain under annual review to ensure its fitness for purpose in line with the recommendations made by the Investigatory Powers Commissioner's Office (IPCO).**
- (2) **Members are asked to note that we have had one RIPA Authorisation and subsequent cancellation in December 2020.**

#### **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 25 November 2020.

1.3 The Council has had one RIPA Surveillance authorisation in December of 2020. This is the first and only authorisation that the Council has had since 2014.

## **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 IPCO took over the inspection and oversight functions on the application 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.

2.4 Lancaster City Council had a remote desktop inspection by the IPCO in July 2020.

2.5 The recommendations in that 2020 report which are outside of the policy amendments, i.e. training of officers engaged in investigatory areas and training of the new Director of Corporate Services in their role as Authorising Officer, have been actioned to an extent but as yet the Director of Corporate Services has not undertaken a RIPA Authorising Officer training (these training sessions are not available often). This should be remedied in the coming year if training is available.

2.6 Following a review of the policy, there was seen to be no need for the RIPA policy to be updated from its current format. This will be reviewed again next year.

## **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.

4.2 The Director of Corporate Services should attend a RIPA Authorising Officer training if one is available.

## **5.0 Conclusion**

5.1 Currently the policy remains compliant with the law and will be reviewed again next year.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety,  
Sustainability and Rural Proofing):**

Not Applicable

**LEGAL IMPLICATIONS**

There are no legal implications stemming from this report.

**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 s151 Officer has been consulted and has no comments to make

**DEPUTY MONITORING OFFICER'S COMMENTS**

The Deputy Monitoring Officer has been consulted on this report and has nothing further to add.

**BACKGROUND PAPERS**

None

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