



Investigatory Powers  
Commissioner's Office

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Mr. Kieran Keane  
Chief Executive  
Lancaster City Council  
Town Hall  
Dalton Square  
Lancaster  
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24 July 2020

Dear Mr. Keane,

### Inspection of Lancaster City Council

*Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: [info@ipco.org.uk](mailto:info@ipco.org.uk)), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.*

Your Council was recently the subject of a telephone-based inspection by one of my Inspectors, Mr. Graham Wright. This has been facilitated through your Senior Responsible Officer (SRO), Ms. Amy Holland, Information Governance Manager, who was interviewed over the telephone and provided the supporting documentation requested by the Inspector.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. There has been an appropriate response to the two recommendations made in the previous inspection of 2017 regarding the need for refresher training, and guidance on the use of social media and the internet. These recommendations can now be considered as discharged.

My Inspector has reviewed your Council's *RIPA Policy and Procedure*. This was reviewed and amended following the previous inspection and further reviewed in November 2019. It was approved by the Audit Committee. This document in many ways provides useful guidance and advice to staff, and applicants and authorising officers in particular. However, the following emendation needs to be made:

- The document refers to the most recent Codes of Practice in relation to Covert Surveillance, and Covert Human Intelligence Sources as being issued in 2014. This is incorrect. In August 2018 the Home Office issued revised versions of the Codes of Practice and as such the references that you make to paragraph numbers in the Codes of Practice are inaccurate. The new codes have new substantial sections regarding online covert activity and new measures regarding juvenile CHIS.
- You still refer to the Office of Surveillance Commissioners and Chief Surveillance Commissioner, and this body and post were replaced by the Investigatory Powers Commissioner's Office and the Investigatory Powers Commissioner in October 2017.

Although your Council has not exercised its powers since December 2014, the SRO was reminded of the importance of ensuring that the designated authorising officer(s) maintain their level of training. The SRO and another senior manager have attended training on external RIPA courses in late 2019 and 2020. There has also been internal RIPA training on several dates in February 2020 and 38 members of staff attended these. A Director of Corporate Services is due to be appointed and this officer will be an authorising officer. Ms. Holland will ensure that training is provided in relation to their potential RIPA role.

The monitoring of social media and the internet can offer initial investigative leads and assist with your enforcement or other responsibilities, but it behoves you to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The Home Office Covert Surveillance and Property Interference Code of Practice provides substantial and helpful advice on this point. The Inspector discussed with the SRO your organisation's approach to these activities and she has confirmed that more expansive guidance has now been issued to all relevant staff, and anyone conducting online research is required to maintain a log of their activity.

The Council owns a CCTV system and the SRO has stated that these have not been used covertly since the date of the last inspection. A protocol exists with Lancashire Constabulary regarding any usage that the force may seek to make of your system.

In accordance with section 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice, the SRO has confirmed that you provide Elected Members on the Audit Committee with an annual report sufficient to enable them to determine that the Council's policy remains fit for purpose, together with regular reports on RIPA activity (or inactivity).

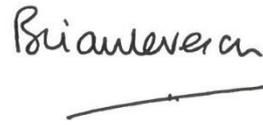
In relation to the matter of safeguarding measures and data assurance, I wrote to you on 5<sup>th</sup> May 2020 setting out my concerns and proposed actions in this regard. Ms. Holland informed my Inspector that your policies in relation to data handling and retention were being reviewed prior to the current health crisis occurring, and that the six recommendation points that I make at the end of my letter will be incorporated into that review and acted upon.

In conclusion, it must be emphasised that although your Council has not exercised its RIPA powers since 2014, it is vital that the relevant staff are appropriately trained should the need arise to authorise covert activity, and your efforts in this regard are noted. It is also important that officers engaged in investigatory areas where RIPA considerations are not so immediately apparent (for example Children's Services), maintain their levels of knowledge and know whom to approach for guidance. The SRO has given assurances to the Inspector that the integrity of your Council's processes and governance procedures will be maintained to ensure that high standards of compliance with the Act and relevant codes of practice are achieved.

I hope that this telephone-based inspection has proved to be a worthwhile exercise. My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,

A handwritten signature in black ink that reads "Brian Leveson". The signature is written in a cursive style with a long horizontal stroke at the end.

**The Rt. Hon. Sir Brian Leveson**  
The Investigatory Powers Commissioner