

AUDIT COMMITTEE

**Annual review of the Regulation of Investigatory Powers
Act 2000 (RIPA) Policy and Procedure**

25 November 2020

Report of the Information Governance Manager

PURPOSE OF REPORT

- To update the committee on the outcome of the IPCO inspection and the Data Assurance recommendations
- To approve the proposed changes to the authority's RIPA policy and procedure as detailed in this report (and in response to the inspection)
- To review the authorities use of RIPA since it was last considered at Audit Committee in November 2019

This report is public.

RECOMMENDATIONS

- (1) Members are requested to note the outcome of the Investigatory Powers Commissioner's Office (IPCO) inspection at Appendix A and Appendix B.**
- (2) Members are requested to approve the revised RIPA policy attached at Appendix C to reflect the information provided in the IPCO inspection**
- (3) Members are asked to note that the Council has not had any authorisations issued under RIPA since 2014.**

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 27 November 2019. The Council has no authorisations issued under RIPA since 2014.

1.3 Following the receipt of the IPCO inspection, the policy has been updated as there were some discrepancies in the paragraphing and reference to the incorrect updated codes.

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 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.

2.4 Lancaster City Council had a remote desktop inspection by the IPCO in July 2020. The report is attached at Appendix A.

2.5 The recommendations in this report that 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, are being undertaken at the earliest available opportunity. 38 members of staff have attended investigatory training so far. With three more teams identified as potentially requiring updated training, this is currently being explored.

2.6 Once the Director of Corporate Services is in post, they will require "Authorising Officer" training which will be arranged at the earliest opportunity following the pandemic response.

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.

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 not further comments.

BACKGROUND PAPERS

None

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