

AUDIT COMMITTEE

**Update of the Regulation of Investigatory Powers Act 2000
(RIPA) Policy**

22 November 2023

Report of the Information Governance Manager

PURPOSE OF REPORT

- To update the committee on the current state of the RIPA policy and Procedure, including amendments
- To review the authority's use of RIPA since it was last considered by Audit Committee March 2023

This report is public.

RECOMMENDATIONS

- (1) **Members asked to note that there are changes proposed to the RIPA policy this year and 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 had one RIPA Authorisation and subsequent cancellation in December 2020, there have been no further authorisations.**

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 23 March 2022.

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 and is due another in 2023.

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 a need to amend the policy and as such, the committee are asked to take particular note of the following:

- **Section 6.1** – the Authorising Officer has been updated to Chief Officer Governance (Monitoring Officer) as the structure of the Council has changed and we no longer have a Director of Corporate Services. The Delegation has been updated to provide a delegation option to the Deputy Monitoring Officer if required.
- **Section 6.4** – the Covert Human Intelligence Source code (CHIS) has been updated so the numbering has changed. In addition, there is new legislation allowing other agencies to let CHIS commit crime in pursuance of their intelligence, this is now referenced in the policy but confirmed as **NOT** available to Local Authorities.
- **Appendix 1** – has been adjusted to accommodate the new links to the authorisation documents for staff.

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 Chief Officer Governance (Monitoring Officer) 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):
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Not Applicable

LEGAL IMPLICATIONS

No Change

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.
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MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to make.
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None
