



CABINET

6TH NOVEMBER 2014

AGENDA ITEM (12)

REGULATION OF INVESTIGATORY POWERS ACT 2000

Accountable Member	Councillor C Hancock Cabinet Member for Enterprise and Partnerships
Accountable Officer	Andrew Fotherby Strategic Director 01285 623200 andrew.fotherby@cotswold.gov.uk

Purpose of Report	To inform and update Members on the Regulation of Investigatory Powers Act 2000 following an inspection by the Office of Surveillance Commissioners.
Recommendation	(a) That the report be noted; (b) that the changes following the inspection made to the Procedure Guide, and highlighted in this report, be noted; (c) that a briefing note be provided to update Members on the changes to the Regulation of Investigatory Powers Act 2000; (d) that a report be presented to the Audit and Scrutiny Committee on the number of authorisations granted each year (such report to be made available to all Members of the Council on a quarterly basis)
Reason for Recommendation	To comply with legislation and recommendations made by the Surveillance Commissioner.

Ward(s) Affected	All
Key Decision	No
Recommendation to Council	No

Financial Implications	None
Legal and Human Rights Implications	These are contained within the body of the report or in the appendices.
Environmental and Sustainability Implications	None
Human Resource Implications	None

Key Risks	None
Equalities Impact Assessment	Not Required

Related Decisions	None
Background Documents	None
Appendices	Appendix 'A' - Briefing Note Appendix 'B' - Inspector's Report

Performance Management Follow Up	Implement decision(s)
---	-----------------------

Options for Joint Working	None
----------------------------------	------

<p>Background Information</p> <p>1. The Regulation of Investigatory Powers Act 2000 (RIPA) was brought in to make sure that the ways in which investigatory powers are used by organisations such as Councils and Government Departments comply with the Human Rights law, in particular the European Convention on Human Rights.</p> <p>2. RIPA ensures that organisations that might want to use any kind of covert techniques to investigate people consider whether it is really necessary to go that far instead of just using them because they can.</p> <p>3. RIPA covers the following :-</p> <ul style="list-style-type: none"> • intercepting letters, emails and phone calls; • getting any kind of communication data from a provider, such as asking for mobile phone records or information from internet service providers or any e-mail or Web Browser records; • accessing any electronic data that has been protected by encryptions or passwords; • covert surveillance either on private premises or in private vehicles; • covert surveillance that takes place in a public place but is directed at a specific person; • using informants and undercover Officers. <p>4. The legislation lays down strict guidelines on the type of people who are allowed to use covert techniques and sets out which the purpose is for and the conditions under which they can be used, and also rules relating to how the information obtained covertly must be handled and used.</p> <p>5. The Council has a procedural guide which allows it to undertake its legal enforcement duties without the risk of successful challenge to either the evidence gathered or to potential breaches of human rights.</p>	
--	--

6. The Office of Surveillance Commissioners undertakes a regular assessment of how the Council implements the requirements of RIPA. This assessment is now by means of an inspection by a Judge, usually every two years, involving a visit to the Council and a review of the standard of authorisation to undertake covert surveillance.
7. The Council was the subject of an inspection in November 2013.
8. The report arising out of the November 2013 inspection made certain recommendations which have now been incorporated into the Procedure Guide and a minor adjustment to the presentation of the central record has been made. It is also recommended that Members should be informed of RIPA and of the number of authorisations granted every year. In this regard, a briefing note outlining the most recent changes affecting RIPA is attached at **Appendix 'A'** and a copy has been placed in the Members' Room. A report on the number of authorisations granted by the Council will be submitted to the Audit and Scrutiny Committee on a quarterly basis.
9. Officers that are entitled to give authorisation have to undergo training under the new regime and these include the Chief Executive where certain types of authorisation are required (if confidential information is to be obtained, or the surveillance involves the use of juvenile covert human intelligence source). Other Officers who are entitled to grant authorisations are the Head of Legal and Property Services, Strategic Directors, the Audit Partnership Manager and the Public Protection Manager. The Heads of Service who have undergone RIPA training in the past will act as 'gate-keepers' within their own areas of responsibility.
10. A copy of the Inspector's Report is attached at **Appendix 'B'**.

(END)