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| <b>19 July 2018</b>  |  | <b>ITEM: 5</b>              |
| <b>Standards and Audit Committee</b>   |  |                             |
| <b>Regulation of Investigatory Powers Act (RIPA) 2000 – 2017/18 Activity Report</b>          |  |                             |
| <b>Wards and communities affected:</b><br>N/A  |  | <b>Key Decision:</b><br>N/A |
| <b>Report of:</b> Lee Henley – Strategic Lead – Information Management                       |  |                             |
| <b>Accountable Officer:</b> Lee Henley – Strategic Lead – Information Management             |  |                             |
| <b>Accountable Director:</b> David Lawson – Assistant Director Legal and Democratic Services |  |                             |
| <b>This report is public</b>   |  |                             |

## Executive Summary

This report:

- Provides an update on the usage and activity of RIPA requests during 2017/18;
- Confirms that training activity took place during the reporting period;
- Confirms that policy changes will be considered in relation to Government codes covering Surveillance, Human Intelligence Sources and Communications Data. A further report will then be produced for Committee.

### 1. Recommendation(s)

#### 1.1 To note the statistical information relating to the use of RIPA for 2017/18.

### 2. Introduction and Background

2.1 The Regulation of Investigatory Powers Act 2000 (RIPA), and the Protection of Freedoms Act 2012, legislates for the use of local authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authority's core functions.

2.2 On the 1 September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

- 2.3 The RIPA Single Point of Contact (SPOC) maintains a RIPA register of all directed surveillance RIPA requests and approvals across the council.

### **3. Issues, Options and Analysis of Options**

#### **3.1 RIPA Activity**

- 3.1.1 The number of Thurrock RIPA surveillance authorisations processed during 2017/18 is 4. Below is a breakdown showing the areas the authorisations relate to for this period (along with previous year's figures):

|  | <b>2017/18</b> | <b>2016/17</b> |
|--|----------------|----------------|
| Trading Standards                                      | 1              | 5              |
| Fraud  | 2              | 3              |
| Covert Human Intelligence Source (CHIS) authorisations | 1 (Fraud)      | 1 (Fraud)      |
| <b>Total</b>   | <b>4</b>       | <b>9</b>       |

- 3.1.2 The outcomes of the above RIPA directed surveillance authorisations cannot be summarised in detail. This is due to Data Protection requirements and to ensure that any on-going investigations are not compromised due to the disclosure of information.

- 3.1.3 The table below shows the number of requests made to the National Anti-Fraud Network (NAFN) for Communication Data requests:

| Application Type: | 2017/18               | 2016/17               |
|-------------------|-----------------------|-----------------------|
| Service Data      | 0                     | 0                     |
| Subscriber Data   | 0                     | 4 (Trading Standards) |
| Combined          | 1 (Trading Standards) | 1 (Fraud)             |
| <b>Totals</b>     | <b>1</b>              | <b>5</b>              |

#### **Notes in relation to NAFN applications:**

- Service Data – Is information held by a telecom or postal service provider including itemised telephone bills and/or outgoing call data.
- Subscriber Data – Includes any other information or account details that a telecom provider holds e.g. billing information.
- Combined – Includes applications that contain both service and subscriber data.

#### **3.2 Training and Process**

- 3.2.1 During 2017/18, RIPA training was delivered to relevant Officers across the council. This training covered the RIPA process that must be followed at all times.

### **3.3 Policy Changes**

- 3.3.1 RIPA Policy changes are normally considered and reported to Committee at the point the annual activity report is collated. However, at the point of producing this annual activity report, there were a number of recent Government consultations where the impact on our RIPA Policy had not been concluded by the council. These consultations relate to Surveillance, Human Intelligence Sources and Communications Data. Once the impact (to our existing Policy) of these Government consultations has been concluded, a further report will be produced for the Committee to detail any changes.

## **4. Reasons for Recommendation**

- 4.1 This report provides an update on the usage and activity of RIPA requests for 2017/18.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 The RIPA SPOC has consulted with the relevant departments to obtain the data set out in this report.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Monitoring compliance with RIPA supports the council's approach to corporate governance and will ensure the proper balance of maintaining order against protecting the rights of constituents within the borough.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Jonathan Wilson**  
**Chief Accountant**

There are no financial implications directly related to this report.

### **7.2 Legal**

Implications verified by: **Joe Pinter**  
**Senior Employment Lawyer**

Legal implications comments are contained within this report above.

### 7.3 Diversity and Equality

Implications verified by: **Natalie Warren**  
**Community Development and Equalities  
Manager**

There are no such implications directly related to this report.

### 8. **Background papers used in preparing the report** (including their location on the council's website or identification whether any are exempt or protected by copyright):

None

### 9. **Appendices to the report**

None

### **Report Author:**

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