

6 July 2017		ITEM: 5
Standards and Audit Committee		
Regulation of Investigatory Powers Act (RIPA) 2000 – 2016/17 Activity Report		
Wards and communities affected: N/A	Key Decision: N/A	
Report of: Lee Henley, Information Manager		
Accountable Head of Service: David Lawson, Deputy Head of Legal and Monitoring Officer		
Accountable Director: Fiona Taylor, Director of Legal		
This report is public		

Executive Summary

This report:

- Provides an update on the usage and activity of RIPA requests during 2016/17.
- Summarises training activity during the reporting period.
- Provides the outcome of a recent RIPA inspection.
- Highlights changes made to the RIPA Policy.

1. Recommendation(s)

- 1.1 To note the statistical information relating to the use of RIPA for 2016/17**
- 1.2 To note training activity undertaken during 2016/17**
- 1.3 To note the findings of the positive RIPA inspection**
- 1.4 To note the changes made to the RIPA policy**

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 The council's use of these powers is subject to regular inspection and audit by the Office of the Surveillance Commissioner (OSC) in respect of covert surveillance authorisations under RIPA, and the Interception of Communications Commissioner (IOCCO) in respect of communications data. During these inspections, authorisations and procedures are closely examined and Authorising Officers are interviewed by the inspectors.
- 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 2015/16 is 9. Below is a breakdown showing the areas the authorisations relate to for this period (along with previous year's figures):

	2015/16	2016/17
Trading Standards	1	5
Fraud	2	3
Covert Human Intelligence Source (CHIS) authorisations	0	1 (Fraud)
Total	3	9

- 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:	2016/17
Service Data	0
Subscriber Data	4 (Trading Standards)
Combined	1 (Fraud)
Totals	5

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 2016/17, 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 RIPA Inspection

3.3.1 During November 2016 the council received an inspection from the OSC. The report is shown as Appendix B and is a positive report for the council. The report has been redacted to ensure details of cases cannot be identifiable. The report identified some amendments to the RIPA Policy and these changes are highlighted in 3.4 below.

3.4 Policy Changes

- 3.4.1 Following on from the OSC inspection, the changes below have been applied to the council's RIPA Policy:
- Section 1 of the Policy has been updated in relation to the Home Office Codes of Practice and OSC Procedures.
 - The RIPA Aide Memoire is now referenced as Appendix 11.
 - Section 6 of the Policy now makes reference to Authorising Officers attending court.
 - A flowchart of the RIPA authorisation process is now shown as Appendix 12.
 - Section 15 now includes a section on social media.
 - Section 16 has been refreshed in relation to links to resources.

4. Reasons for Recommendation

4.1 This report provides an update on the usage and activity of RIPA requests for 2016/17, along with reporting the findings of an in year RIPA Inspection.

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 the Regulation of Investigatory Powers Act 2000, and the Protection of Freedoms Act 2012, supports the council's approach to

corporate governance. Ensuring the appropriate use of RIPA in taking action to tackle crime and disorder supports the corporate priority of ensuring a safe, clean and green environment.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no financial implications directly related to this report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Monitoring Officer

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.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

Compliance with the requirements of RIPA legislation will ensure the proper balance of maintaining order against protecting the rights of constituents within the borough. There are no implications other than contained in 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

- Appendix 1 - RIPA Policy
- Appendix 2 – RIPA Inspection Report

Report Author:

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