

9 December 2014		ITEM: 5
Standards and Audit Committee		
Regulation of Investigatory Powers Act (RIPA) 2000 – Quarterly Activity Report		
Wards and communities affected: N/A	Key Decision: N/A	
Report of: Fiona Taylor, Head of Legal Services and Monitoring Officer		
Accountable Head of Service: Fiona Taylor, Head of Legal Services and Monitoring Officer		
Accountable Director: Graham Farrant, Chief Executive		
This report is public		

Executive Summary

This report provides an update on the usage and activity of RIPA requests during July 2014 to September 2014.

1. Recommendation(s)

- 1.1 To note the statistical information relating to the use of RIPA from July 2014 to September 2014.**
- 1.2 To report a revised figure for 2013/14 RIPA requests, and to summarise the reason for the change in these figures.**

2. Introduction and Background

- 2.1 The Regulation of Investigatory Powers Act 2000 (RIPA), covers the use by Local Authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime.
- 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 by 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 The number of RIPA directed surveillance authorisations processed from July 2014 to September 2014 is 3. Below is a breakdown showing the areas the authorisations relate to for this period (along with year to date figures):

	July 2014 – Sept 2014	2014/15 – Year to date volumes
Trading Standards	1	1
Fraud	2	2
Regulatory	0	0
Covert Human Intelligence Source (CHIS authorisations)	0	0

The council has implemented a process whereby the Chief Executive audits RIPA authorisations on a quarterly basis. In doing this, areas of learning are highlighted by the Chief Executive to ensure the council continuously improve in the way we manage RIPA activity. A recent example of learning identified that weekly RIPA reviews could have been set throughout a 3 week surveillance period, as this could have resulted in the surveillance activity being closed down earlier than planned.

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

	July 2014 – Sept 2014	2014/15 requests to date
Service Data	0	0
Subscriber Data	2	4

Notes:

- Service Data – This 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.

- 3.2 Within a report presented to the Standards and Audit Committee on 16/9/14, the total number of directed surveillance RIPA authorisations for 2013/14 was reported as follows:

Trading Standards	0
Fraud	3
Regulatory	0
Covert Human Intelligence Source (CHIS authorisations)	0

However, it has recently been identified that during 2013/14 the council authorised 2 additional requests for Trading Standards. With this in mind, the total number of RIPA authorisations for 2013/14 should have been reported as follows:

Trading Standards	2
Fraud	3
Regulatory	0
Covert Human Intelligence Source (CHIS authorisations)	0

Please note the following in relation to the 2 additional Trading Standards requests:

- Trading Standards followed process and sent the requests to Legal Services.
- The requests were dated 7/11/13 and 16/1/14
- Both requests were authorised by an Authorising Officer in line with process.
- Legal Services ensured that the requests were authorised by the Court in line with process.

The oversight that occurred in this case is a reporting issue and was due to:

- The 2 requests not being captured onto the central RIPA register back in November 2013 and January 2014.
- The 2 requests not being copied and placed within the RIPA filing system at the time (November 2013 and January 2014).
- A change of RIPA SPOC handover took place during February/March 2014. The new SPOC when pulling together annual statistics for 2013/14 had no visibility of the 2 Trading Standards Requests, as they were not recorded on the central RIPA register and copies were not placed in the manual files.

This risk of this recording error taking place again is considered low as:

- Relevant staff have been trained in the RIPA process that must be followed. This training was delivered to 27 members of staff who could be involved with RIPA activity.
- Communications have taken place with relevant staff making clear the process that must be followed. This is detailed below:
 - Investigating Officers to download authorised forms from our new shared path for completion.
 - Authorising Officers to ensure their section of the RIPA form is handwritten.
 - Aide Memoire to be handwritten by the Authorising Officers.
 - RIPA form and Aide Memoire are signed off by the Authorising Officer.
 - RIPA form to be authorised by the Senior Responsible Officer (The Head of Legal and Democratic Services/Monitoring Officer)
 - RIPA form to be sent to the SPOC.

- The SPOC will allocate a unique reference and ensure we have an entry on our RIPA register.
- Investigating Officer will liaise with Legal to visit the Court to ensure we obtain formal approval.
- Once approved by the court, the original RIPA form is then returned to the SPOC.
- Investigating Officers to schedule in dates to ensure a cancellation form is completed, signed off and returned to the SPOC.

4. Reasons for Recommendation

- 4.1 This report provides an update on the usage and activity of RIPA requests for July 2014 – September 2014.

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, 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: **Mike Jones**
Management Accountant

There are no financial implications directly related to this report.

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor – Employment and Litigation

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**

- None.

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