

13 December 2018		ITEM: 5
Standards and Audit Committee		
Regulation of Investigatory Powers Act (RIPA) 2000 - Activity Report April 2018 – September 2018		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Lee Henley, Strategic Lead – Information Management		
Accountable Assistant Director: David Lawson, Assistant Director of Legal and Governance		
Accountable Director: Sean Clark, Director of Finance and IT		
This report is Public		

Executive Summary

This report:

- Provides an update on the usage and activity of RIPA requests during 1 April 2018 to 30 September 2018
- Confirms that policy changes have been considered and actioned

1. Recommendation(s)

1.1 To note the statistical information relating to the use of RIPA for the period 1 April 2018 – 30 September 2018

1.2 To note the minor changes made to the RIPA Policy (Appendix A)

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 1st 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 1 April 2018 to 30 September 2018 is 2. Below is a breakdown showing the areas the authorisations relate to for this period (along with previous year's figures):

	2018/19 (April – Sept)	2017/18
Trading Standards	0	1
Fraud	2	2
Covert Human Intelligence Source (CHIS) authorisations	0	1 (Fraud)
Total	2	4

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:	2018/19 (April – Sept)	2017/18
Service Data	0	0
Subscriber Data	3 (3 Fraud)	0
Combined	0	1 (Trading Standards)
Totals	3	1

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 **Policy Changes**

3.2.1 Minor amendments to the RIPA Policy (Appendix A) have been made due to Government consultation work on surveillance activity and the introduction of the General Data Protection Regulation. The amendments to policy are summarised below:

- Page 15 (section 7) – The change is in relation to CHIS Authorisations. Juvenile CHIS authorisations will now cease after 4 months (this was 1 month previously)
- Page 23 – The policy has been updated to reflect changes to the Data Protection Act
- Page 16 (section 9) – Now includes a requirement that Designated Persons must not authorise communication data requests for their own area of work and that checks must take place to ensure requests meet the serious crime threshold (attracting a sentence of 12 months or more)

4. **Reasons for Recommendation**

4.1 This report provides an update on the usage and activity of RIPA requests for the reporting period 1 April 2018 – 30 September 2018.

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**
Assistant Director of Finance

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

- Appendix A – RIPA Policy

Report Author:

Lee Henley

Strategic Lead - Information Management