

<b>3 October 2024</b>		<b>ITEM: 7</b>
<b>Audit Committee</b>		
<b>Regulation of Investigatory Powers Act (RIPA) - Activity Report 2023/24</b>		
<b>Wards and communities affected:</b> N/A	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Helen Nicol - Assistant Director Legal and Governance		
<b>Accountable Assistant Director:</b> Helen Nicol - Assistant Director Legal and Governance		
<b>Accountable Director:</b> Daniel Fenwick – Executive Director Corporate Services/MO (Monitoring Officer)		
<b>This report is public</b>		
<b>Version: Final</b>		

### **Executive Summary**

This report provides an update on the usage and activity of RIPA requests during the period 1 April 2023 to 31 March 2024, along with a refreshed RIPA Policy included as Appendix A.

Despite RIPA activity levels being low, there is a requirement to report this information to Members. Failure to report RIPA usage to Members, will result in criticism as part of any RIPA inspection.

The RIPA policy is reviewed annually and/or if there are changes to legislation. As there have been no changes to RIPA legislation, with the exception of updating the list of Authorising Offices within the policy and providing a new link to the latest Covert Human Intelligence Sources Code of Practice, no other changes are considered necessary at this stage.

During January 2024, the Investigatory Powers Commissioner's Office carried out an inspection on the management and oversight of RIPA within the council. The inspector was satisfied that the council's on-going compliance with the RIPA legislation will be maintained and there is no requirement for any further inspections this year.

### **1. Recommendation(s)**

1.1 That Audit Committee note the statistical information relating to the use of RIPA for the period 1 April 2023 to 31 March 2024.

1.2 That Audit Committee agree the RIPA Policy.

1.3 That Audit Committee note the findings of the RIPA inspection.

## 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 RIPA Act allows the council to undertake directed/covert surveillance, however any covert surveillance undertaken must:

- Be necessary and proportionate to the alleged crime
- Only be used as a last resort and/or if other less intrusive means cannot be used
- Only be carried out if the potential crime/offence would result in a prison sentence of at least 6 months

2.3 The Investigatory Powers Commissioner's Office (IPCO) is responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

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

### 2.5 RIPA Activity:

2.5.1 There were 3 RIPA surveillance authorisations processed during 1 April 2023 to 31 March 2024. The table below details 2023/24 RIPA volumes along with the figures for 2022/23:

	2023/24	2022/23
Trading Standards	3	1
Fraud	0	0
Covert Human Intelligence Source (CHIS) authorisations	0	0
<b>Total</b>	<b>3</b>	<b>1</b>

2.5.2 Low numbers of RIPA authorisations are a result of the council utilising other forms of investigation due to its collaboration with the police and/or enforcement work being more overt rather than covert. The council continues to work with partners across the public sector to ensure that Thurrock as an area is protected from crime.

2.5.3 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 as a result of any disclosure of information.

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

<b>Application Type:</b>	<b>2023/24</b>	<b>2022/23</b>
Events (Service) Data	0	0
Entity (Subscriber) Data	0	0
Combined	2 (2 x Fraud)	5 (4 x Fraud and 1 x Trading Standards)
<b>Totals</b>	<b>2</b>	<b>5</b>

**Notes in relation to NAFN applications:**

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

2.6 **Policy Changes** - The RIPA Policy is attached as Appendix A. The policy is reviewed annually and/or if there are changes to legislation. As there have been no changes to RIPA legislation, with the exception of updating the list of Authorising Offices within the policy and providing a new link to the latest Covert Human Intelligence Sources Code of Practice (within Section 1), no other changes are considered necessary at this stage.

2.7 **Inspection by the Investigatory Powers Commissioner's Office**

During January 2024, the Investigatory Powers Commissioner's Office carried out an inspection on the management and oversight of RIPA within the council. The findings of the inspection are summarised below:

- The inspector was satisfied that the council's on-going compliance with the RIPA legislation will be maintained and there is no requirement for any further inspections this year. The next inspection will take place during 2027.
- The inspector requested that key compliance issues continue to receive the necessary internal governance and oversight. This will include policy refreshes, annual updates to Members, ongoing training, and the retention of information in-line with codes of practice.
- The applications and authorisations were generally completed to a satisfactory standard and feedback was provided, aimed at further strengthening compliance.

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

3.1 There are no options associated with this paper.

### **4. Reasons for Recommendation**

4.1 This report provides an update on the usage and activity of RIPA requests for 2023/24, along with a refreshed RIPA Policy for approval.

### **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 Thurrock.

### **7. Implications**

#### **7.1 Financial**

Implications verified by: **Rob Chimani**  
**Finance Manager**  
**14<sup>th</sup> June 2024**

The report is a factual record of the level RIPA activity. The funding of the activity itself is delivered through existing budgets and is monitored as part of the wider corporate financial monitoring of the council.

#### **7.2 Legal**

Implications verified by: **Godwin Mangse**  
**Interim Principal Lawyer Housing & Litigation**  
**– Legal Services**

RIPA was introduced to ensure that covert surveillance undertaken by public authorities was carried out in accordance with the European Convention on Human Rights and the Human Rights Act 1998. The RIPA framework establishes a lawful procedure to use covert surveillance and thus protects the Council from legal claims, providing it have been complied with. The legal considerations relating to RIPA are contained within the body of the report.

The report and its associated action plan, demonstrates how the Council does and will continue to meet its various legal duties when undertaking surveillance.

As this is an update report there are no specific legal implications.

### 7.3 **Diversity and Equality**

Implications verified by: **Natalie Smith**  
**Head of Community Development**

There are no direct diversity implications relating to this report

A Community Equality Impact Assessment has been carried out on this policy. Whilst the council is empowered to use covert surveillance in investigations this should only be undertaken where they are necessary and proportionate.

### 7.4 **Risks**

None.

### 7.5 **Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children**

None.

### 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:**

Helen Nicol

Assistant Director Legal & Governance