

16 July 2015		ITEM: 10
Standards and Audit Committee		
Regulation of Investigatory Powers Act (RIPA) 2000 – 2014/15 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: David Bull, Interim Chief Executive		
This report is public		

Executive Summary

This report:

- Provides an update on the usage and activity of RIPA requests during 2014/15.
- Summarises training activity during the reporting period.
- Confirms that a review has been undertaken of our RIPA Policy and as a result of this review, no amendments to policy are required.

1. Recommendation(s)

- 1.1 To note the statistical information relating to the use of RIPA for 2014/15.**
- 1.2 To note training activity undertaken during 2014/15.**
- 1.3 To note that following on from a review of the RIPA policy by our Legal Services Department, no changes to our RIPA policy are required.**

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 directed surveillance authorisations processed during 2014/15 is 5. Below is a breakdown showing the areas the authorisations relate to for this period (along with previous year's figures):

	2014/15	2013/14
Trading Standards	2	2
Fraud	3	3
Regulatory	0	0
Covert Human Intelligence Source (CHIS authorisations)	0	0
Total	5	5

Notes:

Thurrock's Fraud Team provides a shared service within Southend Council. During November 2014, 1 RIPA directed surveillance request and 1 CHIS was authorised for surveillance activity undertaken within the Southend area. The following should be noted in relation to these requests:

- RIPA activity was authorised using Thurrock's RIPA process as Thurrock are considered to be the 'tasking Agency' – i.e. the agency with the lead on the criminal investigation.
- These requests have been excluded from Thurrock's RIPA statistics, as the activity was undertaken on an agency/shared service basis on behalf of another public authority.
- Checks are in the process of being undertaken with Southend Council and the Office of Surveillance Commissioner, to ensure they both are in agreement with the approach our Fraud Team have adopted in relation to the authorisation of RIPA requests for Southend investigations.

- 3.1.2 The outcomes of the 5 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:

	2014/15
Service Data	1 (Fraud)
Subscriber Data	8 (7 Trading Standards. 1 Fraud)

Notes:

- 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.

3.2 Training and Process

3.2.1 During 2014/15, RIPA training was delivered to relevant officers across the council. This training covered the RIPA process that must be followed. Over and above this training, communications have been issued to relevant staff making it clear of the process that must be followed. This process is detailed below:

- Investigating Officers to download authorised forms from our 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 the 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.

3.3 Policy

3.3.1 Thurrock's RIPA policy was approved by the Standards and Audit Committee back in February 2014. During May 2015, the policy was reviewed by the Legal Services Department and this review has not resulted in any changes to this policy. The policy is attached as Appendix A.

3.3.2 The RIPA completion forms have been removed (as appendices) from the policy document, as with their inclusion the document becomes an unnecessarily lengthy document. However within the policy it states that *“Directed Surveillance applications and CHIS applications are made using forms that have been set up in a shared network drive by the council. These*

forms must not be amended and applications will not be accepted if the approved forms are not completed”

4. Reasons for Recommendation

4.1 This report provides an update on the usage and activity of RIPA requests for 2014/15.

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: **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**
Appendix A - RIPA Policy

- None.

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