

14 June 2016		ITEM: 7
Standards and Audit Committee		
Regulation of Investigatory Powers Act (RIPA) 2000 – 2015/16 Activity Report		
Wards and communities affected: N/A	Key Decision: N/A	
Report of: Lee Henley – Information Manager		
Accountable Head of Service: Fiona Taylor, Head of Legal and Democratic Services		
Accountable Director: Lyn Carpenter - Chief Executive		
This report is public		

Executive Summary

This report:

- Provides an update on the usage and activity of RIPA requests during 2015/16.
- Summarises training activity during the reporting period.
- Confirms that a review has been undertaken of Thurrock's RIPA Policy which resulted in no significant changes to the Policy.

1. Recommendation(s)

- 1.1 To note the statistical information relating to the use of RIPA for 2015/16.**
- 1.2 To note training activity undertaken during 2015/16.**
- 1.3 To note that following on from a review of the RIPA policy by our Legal Services Department, no significant changes to this RIPA policy are required.**
- 1.4 To note that due to the low numbers of RIPA Activity, the frequency of reporting to Committee may change following consultation with the Office of the Surveillance Commissioner (OSC).**

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 2015/16 is 3. Below is a breakdown showing the areas the authorisations relate to for this period (along with previous year's figures):

	2015/16	2014/15
Trading Standards	1	2
Fraud	2	3
Covert Human Intelligence Source (CHIS authorisations)	0	0
Total	3	5

- 3.1.2 The outcomes of the 3 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:	2015/16
Service Data	0
Subscriber Data	1 (Trading Standards)
Combined	2 (Fraud)
Totals	3

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 2015/16, RIPA training was delivered to 27 officers across the council. This training covered the RIPA process that must be followed.

3.3 Policy

3.3.1 During May 2016, the council's RIPA policy was reviewed by the Legal Services Department and this review has not resulted in any significant changes to this policy. The policy is attached as Appendix A and a summary of changes made are highlighted below:

- The removal of the requirement for our Chief Executive to undertake quarterly RIPA Audits. This decision was taken as checks are undertaken (prior to any directed surveillance requests being approved) by the Single Point of Contact, the Senior Responsible Officer and the Authorising Officer.
- The inclusion that Authorising Officers' at Thurrock can approve RIPA activity within other organisations due to shared working arrangements of our Corporate Fraud Team. However it should be noted that other agencies/organisations RIPA activity will not be included within Thurrock's statistics.
- Authorising Officers details within Appendix 5 have been updated.

3.4 Frequency of reports to Committee

3.4.1 Following an inspection back in November 2013 by the OSC, the Inspector expressed a preference that RIPA Activity Reports are brought to Members on a quarterly basis. However due to the low numbers of RIPA Activity the Council will now consult with the OSC to establish if reporting to Members can take place on a six monthly basis.

4. Reasons for Recommendation

4.1 This report provides an update on the usage and activity of RIPA requests for 2015/16.

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

Report Author:

Lee Henley

Information Manager