

Bolsover District Council

Standards Committee on 2nd September 2024

RIPA Policy

Report of the Director of Governance and Legal Services & Monitoring Officer

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| Classification | This report is public |
| Report By | Jim Fieldsend Director of Governance and Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

For Standards Committee to consider and approve the new RIPA policy.

REPORT DETAILS

1. Background

- 1.1 One of Standard Committee's responsibilities is for the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and procedures which includes its monitoring revisions and approval.
- 1.2 The Regulation of Investigatory Powers Act 2000 (RIPA) is concerned with the regulation of surveillance and other intelligence gathering by public authorities in the conduct of their legitimate business. The ability to use surveillance methods to gather evidence is limited to those circumstance set out in the Act.
- 1.3 In addition the Investigatory Powers Act 2016 (IPA) sets out the extent to which certain investigatory powers may be used to interfere with privacy. In particular about the interception of communications, equipment interference and the acquisition and retention of communications data.
- 1.4 It is necessary for the Council to have a policy in place setting out procedure for use of the powers in both RIPA and IPA, however the current policy only refers RIPA.
- 1.5 The Council's Legal Services Manager (Deputy Monitoring Officer) has reviewed the policy and produced a revised policy to include the new legislative requirements.

2. Details of Proposal or Information

- 2.1 For Standards Committee to consider and approve the revised RIPA policy. A summary of what the policy covers is as follows.
- 2.1.1 An explanation of types of surveillance. The policy distinguishes overt surveillance, i.e. that which is undertaken openly and covert surveillance. Covert surveillance takes place where steps are taken to ensure the subject is aware that it is taking place. The policy also distinguishes between covert intrusive surveillance and covert directed surveillance. The Council is not permitted to carry out intrusive surveillance;
- 2.1.2 The use of CCTV cameras-Unconcealed CCTV cameras generally do not require a RIPA authorisation, however hidden cameras will need to be authorised.
- 2.1.3 The use of covert human intelligence source (CHIS). A CHIS is someone who conceals their identity to obtain evidence.
- 2.1.4 The authorisation process to be followed if an officer wishes to undertake covert surveillance. The initial stage is to obtain approval from an authorising officer. An authorising officer is a senior officer who has received appropriate training. When considering whether to approve covert surveillance or the use of a CHIS the authorising officer must consider that it is necessary and proportionate and there is evidence to support this. There then follows a secondary approval process where an application for Magistrates approval is required.
- 2.1.5 Communications data. This section deals with the acquisition of communications data, such as who sent communications, where it was sent and how, not the content of the communication.
- 2.2 The policy is now a more user-friendly version than the previous policy and includes clear flowcharts to assist members of staff involved in the various processes.

3. Reasons for Recommendation

- 3.1 To ensure that the Council has an up-to-date policy

4 Alternative Options and Reasons for Rejection

- 4.1 There are no options. The Council should have an up-to-date RIPA policy
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RECOMMENDATION(S) that;

Standards Committee approves the RIPA policy, as attached at Appendix 1.

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| <u>IMPLICATIONS:</u> | |
| <u>Finance and Risk:</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Details: None arising from this report. On behalf of the Section 151 Officer | |
| <u>Legal (including Data Protection):</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Details: None arising from this report. On behalf of the Solicitor to the Council | |
| <u>Staffing:</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Details: None arising from this report. On behalf of the Head of Paid Service | |

DECISION INFORMATION

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| Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies | No |
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | No |

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| District Wards Significantly Affected | None |
| Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/> | Details: |

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| Links to Council Ambition: Customers, Economy and Environment. |
| Demonstrating good governance |

Links to Council Ambition: Customers, Economy and Environment.

| DOCUMENT INFORMATION | |
|-----------------------------|-------------------|
| Appendix No | Title |
| 1 | Draft RIPA Policy |

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).