

Bolsover District Council

Standards Committee

23rd September 2019

Regulation of Investigatory Powers Act 2000 Inspection

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- To update the Committee on the outcome of the Investigatory Powers Commissioner's Office Inspection of the Council's compliance in respect of the Regulation of Investigatory Powers Act 2000 (RIPA).

1 Report Details

- 1.1 The Regulation of Investigatory Powers Act (RIPA) enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence. There are various criteria which must be met, including a 'seriousness threshold' for the use of directed surveillance, and any requests by the Council to use the RIPA powers must be approved by a Magistrate.
- 1.2 Local authorities are periodically inspected by the Investigatory Powers Commissioner's Office (IPCO), every three years, and Bolsover District Council's most recent inspection took place on 14th March 2019.
- 1.3 Prior to the inspection, the policy had been reviewed annually to ensure that it was up to date. Training of the Strategic Alliance Management Team, Service Members and officers in relevant service areas had taken place, with refresher courses regularly offered.
- 1.4 During the Inspection, the Inspector met with key officers and considered the Joint RIPA policy and procedures held by the Council.
- 1.5 The outcome of the Inspection was overall very positive. The Inspector found the Council's policy to be a 'comprehensive and well written document' and only minor recommendations were made in respect of updating the policy. Other recommendations related to:
 - Non-RIPA authorisations – it was recommended that where surveillance is carried out in relation to crimes that do not meet the RIPA threshold, the process should be reviewed to ensure necessity, justification and

proportionality arguments are recorded and elected Members are suitably informed of any such activity.

- Social Media and Internet Investigations – the introduction of suitable control measures for the use of online surveillance or investigations was recommended.

- 1.6 Work to implement these recommendations is in progress and a further report will be brought to a future Standards Committee meeting with a revised policy and details of the procedures put in place in respect of non-RIPA surveillance and online investigations.

2 Conclusions and Reasons for Recommendation

- 2.1 To inform Members of the outcome of the RIPA inspection and the recommendations that are to be implemented.

3 Consultation and Equality Impact

- 3.1 An Equality Impact Assessment has been completed in 2017, which concluded that there were no concerns raised and no actions to take. No concerns were raised by the Inspection.

4 Alternative Options and Reasons for Rejection

- 4.1 This report is for information only.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Failure of the Council to adhere to the legal requirements of RIPA could lead to unlawful investigatory activity being undertaken, making the Council vulnerable to complaints, legal challenge and reputational damage and costs. It is important therefore that the policy is regularly reviewed and that officers receive sufficient training which will mitigate the likelihood of this risk occurring.

5.2 Legal Implications including Data Protection

- 5.2.1 The legal implications are addressed within the policy.

5.3 Human Resources Implications

- 5.3.1 None arising from this report.

6 Recommendations

- 6.1 That Standards Committee note the outcome of the RIPA Inspection in March 2019.

7 Decision Information

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None Directly
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title	
Appendix 1	RIPA Inspection Report	
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 Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
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