

Bath & North East Somerset Council		
MEETING	Council	
MEETING DATE:	14 November 2019	
TITLE:	Annual Report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 Usage Statistics		
Appendix 2 Revised Policy		

1 THE ISSUE

- 1.1 This report updates council on the use of Regulation of Investigatory and Investigatory Powers, policies and procedures.

2 RECOMMENDATION

The Council is asked to:

2.1 Note the use of RIPA/IPA by the Council

2.2 Note the changes to the Council RIPA Policy & Procedures (to include IPA)

3 THE REPORT

- 3.1 The Regulation of Investigatory Powers Act came into force in 2000. The Act permits Councils to carry out covert (secret) surveillance of alleged offenders for the prevention and detection of crime and the protection of public health. This is

undertaken by either the use of Directed Surveillance or the use of a Covert Human Intelligence Source (CHIS). The Investigatory Powers Act (2016 IPA) also allows the Council to apply to telecommunications providers for data information (but not the contents of communications) about individuals who are suspected of committing crimes. When RIPA & IPA are followed, it ensures that the actions taken by the Council comply with the Human Rights Act 1998.

3.2 The Investigatory Powers Commissioner's Office is responsible for the inspection of public authorities with regard to compliance with RIPA & IPA. The Council has previously been inspected in May 2014 and June 2017. The frequency of inspection for Local Authorities is every 3 years. The likelihood is that the Council will be inspected again in May 2020.

3.3 The policy and procedures were last revised in April 2017. There have been no changes to the legislation since the last revision of the policy. However, in August 2018 the Home Office published updated Codes of Practice for covert surveillance and property interference and covert human intelligence sources, so changes to the policy have been made based on the new Codes. In addition the Investigatory Powers Act 2016 created the Office for Communications Data Authorisations (OCDA), which commenced operations in March 2019. The introduction of OCDA means the acquisition of communications data by a local authority is no longer subject to judicial approval by a magistrate. The Council's policy, procedures and intranet will be updated to reflect these changes together with the new codes of Practice.

3.4 Key changes to the policy, based on the revised Codes of Practice, are summarised below:

- Reference has been made to the current Codes of Practice;
- New section has been added accounting for the use of Aerial covert surveillance;
- Amended to reflect the change in data protection legislation;
- Update to Authorising Officers and Senior Responsible Officer;
- Addresses the new procedure for data communications authorisations
- Other minor amendments to ensure correct numbering.

4 STATUTORY CONSIDERATIONS

4.1 The revised code on Covert Surveillance and Property Interference recommends that elected members should review the use of RIPA/IPA powers and set the policy annually.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There are no direct implications arising from this report. Although the Council is an infrequent user of RIPA/IPA powers, the IPCO requires the Council's procedures to remain in a good state of readiness should these need to be implemented. Consequently, the financial implications are limited to the cost of periodic refresher training for officers in the use of RIPA powers.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 CLIMATE CHANGE

- 7.1 There are no impacts on climate change arising from this report.

8 OTHER OPTIONS CONSIDERED

- 8.1 None

9 CONSULTATION

- 9.1 The Monitoring Officer and Council S.151 Officer have been consulted on the contents of this report.

Contact person	Michael Hewitt, Legal Services Manager tel: 01225 395125
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Key Statistics 2019

SURVEILLANCE DATA

None

COMMUNICATIONS DATA*

One Trading Standards (13.11.18)

*Requesting subscriber details only

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None