7 July 2022	ITEM: 5
Standards and Audit Committee	
Regulation of Investigatory Powers Act (RIPA) - Activity Report 2021/22	

Wards and communities affected:	Key Decision:
N/A	Non-key

Report of: Lee Henley – Strategic Lead for Information Management

Accountable Assistant Director: Lee Henley – Strategic Lead for Information Management

Accountable Director: Sean Clark – Corporate Director Resources and Place Delivery

This report is Public

Executive Summary

This report provides an update on the usage and activity of RIPA requests during the period 1 April 2021 to 31 March 2022 along with a refreshed RIPA Policy.

1. **Recommendation(s)**

1.1 **To note the statistical information relating to the use of RIPA for the period 1 April 2021 to 31 March 2022.**

1.2 **To agree a revised RIPA Policy.**

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 Investigatory Powers Commissioner's Office (IPCO) is responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

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   There were no RIPA surveillance authorisations processed during 1 April 2021 to 31 March 2022. The table below details 2021/22 RIPA volumes along with the figures for 2020/21:

	2020/21	2021/22
Trading Standards	0	0
Fraud	1	0
Covert Human Intelligence Source (CHIS) authorisations	0	0
Total	**1**	**0**

Note – Despite RIPA activity levels being low (or none during 2021/22), there is a requirement to report this information to Members. If we don't, the council we will be criticised in any RIPA inspection.

3.1.2   Low numbers of RIPA authorisations are a result of the council utilising other forms of investigation due to its collaboration with the police and/or enforcement work being more overt rather than covert. In addition to this, the COVID pandemic has seen a reduction in the need for a response requiring the use of last resort tactics like covert direct surveillance authorisations. The council continues to work with partners across the public sector to ensure that Thurrock as an area is protected from crime.

3.1.3   The outcomes of the above 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 as a result of any disclosure of information.

3.1.4   The table below shows the number of requests made to the National Anti-Fraud Network (NAFN) for Communication Data requests:

Application Type:	2020/21	2021/22
Events (Service) Data	1 (Fraud)	1 (Fraud)
Entity (Subscriber) Data	9 (Fraud)	4 (2 Fraud and 2 Trading Standards)
Combined	12 (11 Fraud and 1 Trading Standards)	3 (2 Fraud and 1 Trading Standards
Totals	**22**	**8**

Notes in relation to NAFN applications:

- Events Data – Is information held by a telecom provider including itemised telephone bills and/or outgoing call data.
- Entity Data – Includes any other information or account details that a telecom provider holds e.g. billing information.
- Combined – Includes applications that contain both Events and Entity data.

3.2 **Policy Changes:**

The RIPA Policy is attached as Appendix A. Changes to the RIPA Policy were made back in July 2021, following on from a RIPA inspection and these changes were reported to Committee at the time. The Policy has been subject to a further review and with the exception for updating the list of Authorising Offices within the Policy, no other changes are considered necessary at this stage.

4. Reasons for Recommendation

4.1 This report provides an update on the usage and activity of RIPA requests for 2021/22, along a refreshed RIPA Policy for approval.

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 RIPA supports the council's approach to corporate governance and will ensure the proper balance of maintaining order against protecting the rights of constituents within Thurrock.

7. Implications

7.1 **Financial**

Implications verified by: **Jonathan Wilson**
Assistant Director of Finance

The reported RIPA Activity is funded from within agreed budget envelopes.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer Legal Services

There are no specific legal implications from this update report. Whilst the Council is empowered to use covert surveillance in investigations this should only be undertaken where they are necessary and proportionate and the evidence cannot be obtained in another more proportionate way.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Smith**

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 Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None.

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

Strategic Lead - Information Management