

9 July 2020		ITEM: 6
Standards & Audit Committee		
Regulation of Investigatory Powers Act (RIPA) 2000 - Activity Report 2019/20		
Wards and communities affected: N/A	Key Decision: N/A	
Report of: Lee Henley – Strategic Lead – Information Management		
Accountable Strategic Lead: Lee Henley – Strategic Lead – Information Management		
Accountable Director: Sean Clark – Director of Finance and IT		
This report is public		

Executive Summary

This report:

- Provides an update on the usage and activity of RIPA requests during 2019/20.
- Provides a refreshed RIPA Policy for approval.

1. Recommendation(s)

1.1 To note the statistical information relating to the use of RIPA for the period 2019/20.

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 On the 1 September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now 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 2 Thurrock RIPA surveillance authorisations processed during 2019/20. Below is a breakdown showing the areas the authorisations relate to for this period (along with previous year's figures):

	2018/19	2019/20
Trading Standards	2	1
Fraud	3	1
Covert Human Intelligence Source (CHIS) authorisations	0	0
Total	5	2

3.1.2 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 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:	2018/19	2019/20
Events (Service) Data	0	1 (Fraud)
Entity (Subscriber) Data	3 (Fraud)	5 (Fraud)
Combined	0	3 (Trading Standards)
Totals	3	9

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

3.2.1 The RIPA Policy has been reviewed and a summary of key changes made are shown below:

- Section 1 – RIPA Codes of Practice have been refreshed to focus on those Codes relevant for Local Authority's
- Section 6 – Has been amended to reflect that either the Authorising Officer (AO) and/or Investigating Officer may attend Court (instead of just AO) to obtain RIPA approvals
- Section 7 – Makes it clear that the Authorising Officer should set a review date at the outset (1 month)
- Section 9 – Now provides additional information including details of the crime threshold
- Appendix 2 – The list of Authorising Officers has been refreshed
- Appendices – A number of un-necessary appendices have been removed

4. Reasons for Recommendation

- 4.1 This report provides an update on the usage and activity of RIPA requests for 2019/20, along with providing an up to date 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

There are no financial implications directly related to this report.

7.2 Legal

Implications verified by: **Tim Hallam**
Deputy Head of Law and Deputy Monitoring Officer

Legal implications are contained within this report above.

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.

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:

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