

Name of meeting: Cabinet

Date: 19 January 2021

Title of report: Annual RIPA update

Purpose of report

To brief Cabinet on the use of the Regulation of Investigatory Powers Act 2000 by the Council since the last report on use and to provide an update on the 2020 IPCO inspection.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by Strategic Director & name	Rachel Spencer-Henshall – 14 December 2020
Is it also signed off by the Service Director for Finance	Eamonn Croston – 8 January 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 6 January 2021
Cabinet member portfolio	Cllr Graham Turner Corporate

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Have you considered GDPR? Yes

1. Summary

- 1.1 The role of Cabinet in Regulation of Investigatory Powers Act (RIPA) 2000 matters is to provide strategic oversight and to keep the Council's use of surveillance under review. This is the annual report on the Council's use of RIPA to Cabinet.
- 1.2 As a result of the view of the Investigatory Powers Commissioner's Office (IPCO) that the use of RIPA should be considered more often than annually by Local Authorities the Council's Corporate Governance and Audit Committee considers and monitors

any RIPA related matters during the year as part of its quarterly audit reports. The process followed is that any reports are to be brought back to cabinet to be considered during the year as necessary. There were no incidents which required RIPA to be used in the period since the last report to Cabinet and therefore no reports were required to be brought back to Cabinet during the last twelve months or so.

2. **Information required to take a decision**

- 2.1 The Council is subject to the requirements of RIPA, which sets out how and when a local authority can engage in covert surveillance. RIPA regulates three types of surveillance, these being directed surveillance, the use of covert human intelligence and the obtaining of communications data. The current policy was adopted on xxth January 2019 and was amended in line with the implementation of GDPR and the Data Protection Act 2018.
- 2.2 IPCO paid an inspection visit in 2016 and had indicated that another would take place in the summer of 2019. A further inspection took place in July 2020 and was done as a telephone inspection, in place of a physical one. This marked a change in policy, from annual physical inspection to a 'paper' inspection every other year.
- 2.3 Following the inspection, the Commissioner wrote to the Chief Executive, indicating that he was satisfied that there was an appropriate level of compliance, which removed the need for a physical inspection to be carried out.
- 2.4 Key points that the Commissioner noted were:
- all recommendations from the 2016 report had been implemented;
 - training had taken place;
 - the RIPA policy had been updated to include changes and had been reviewed in 2020.
- 2.5 The annual return to IPCO for 2020 has been completed. This is a report to the Commissioner on the Council's use of investigatory powers.
- 2.6 The number of RIPA authorisations granted in the last 12 months is 0.

3. **Implications for the Council**

3.1 **Working with People**

N/A

3.2 **Working with Partners**

West Yorkshire Police – this will most often be a formal request for access to CCTV information held by the Council and is provided on the basis of a formal written request.

West Yorkshire Trading Standards– this will usually be within the context of test purchase operations, typically involving sales of age restricted goods to minors.

3.3 **Place Based Working**

N/A

3.4 **Improving outcomes for children**

N/A

3.5 **Other (eg Legal/Financial or Human Resources)**

Training needs and resources – a flexible approach to training will mean that external training providers can be engaged where the need arises, with the associated costs, but that training is also likely to be provided internally where feasible.

4. Consultees and their opinions

4.1 The following have been consulted on the contents of this report and have approved them:

4.1.1 The Service Director – Legal, Governance and Commissioning, as Senior Responsible Officer

4.1.2 The Head of Legal Services, as RIPA Monitoring Officer

4.1.3 The Cabinet member for Corporate Services

5. Next steps and timelines

5.1 To continue to review the RIPA training programme and to keep training requirements under review in light of developments in the law. To continue to keep the Council's regulated investigatory activities under review and keep Cabinet informed of these. Quarterly updates to the Corporate Governance and Audit Committee will continue.

5.2 To continue to raise RIPA awareness, particularly with regards to the use of social media to obtain intelligence. Informal advice was given by the Surveillance Commissioner's office on a suitable approach to training and awareness.

6. Officer recommendations and reasons

6.1 That the Annual RIPA Update report be noted.

7. Cabinet portfolio holder's recommendations

N/A

8. Contact officers

David Stickley david.stickley@kirklees.gov.uk
Senior Legal Officer 01484 221000

John Chapman john.chapman@kirklees.gov.uk
Head of Legal Services 01484 221000

9. Background Papers and History of Decisions

Report of the Office of Surveillance Commissioners

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk