

Name of meeting: Cabinet

Date: 25th February 2020

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 in 2019 and to provide an update on the training recommendations made by the Office of the Surveillance Commissioners at the last 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?	Yes
Date signed off by Strategic Director & name	Rachel Spencer-Henshall – 17.2.2020
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston – 17.2.2020
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 17.2.2020
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 to Cabinet on the Council's use of RIPA.

1.2 Alongside this Annual Report to Cabinet, brief quarterly RIPA reports are provided to the Corporate Governance and Audit Committee.

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 22nd January 2019, amending the policy adopted in 2017 to reflect the changes brought by the implementation of GDPR and the Data Protection Act 2018.

2.2 The last visit of the Office of the Surveillance Commissioners (OSC) was in 2016. The next inspection visit was due to take place over the summer of 2019 but, to date, has not taken place.

2.3 One of the recommendations made by the 2016 OSC report was for relevant staff to be identified and provided with training. As a consequence of this recommendation ACT Now, an independent training company that specialises in data law and RIPA, were engaged to provide a day's training to officers from various departments that included Information Governance and Legal Services, as well as the teams that are most likely to work with RIPA, including Licensing and Environmental Enforcement. A separate one-to-one session was also provided to the Chief Executive, in her role as authorising officer for CHIS.

2.4 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 Climate Change and Air Quality

N/A

3.4 Place Based Working

N/A

3.5 Improving outcomes for children

N/A

3.6 Other (eg Legal/Financial or Human Resources)

Training needs and resources. There was a cost involved with the ACT Now training day but there should be a reduced need for external training spend over the next 12 months. It can be anticipated that any top up training is likely to be provided internally where feasible. No changes to the existing legislation are currently planned, so there may be minimal training needs over the next 12 months.

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 review the RIPA training needs, in particular in light of any developments in the law and relevant case law. To continue to keep the Council’s regulated investigatory activities under review and keep Cabinet and the Corporate Governance and Audit Committee informed of these.

5.2 To continue to raise RIPA awareness, particularly with regards to the use of social media to obtain intelligence.

5.3 To draft a social media policy for RIPA.

6. Officer recommendations and reasons

6.1 That members note the report.

6.2 That members delegate authority to the Senior Responsible Officer to finalise the RIPA social media policy.

7. Cabinet portfolio holder’s recommendations

N/A

8. Contact officers

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9. **Background Papers and History of Decisions**

Kirklees Council RIPA Policy 2018

10. **Service Director responsible**

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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