

## Regulation of Investigatory Powers Act – Corporate Policy

### REPORT TO AUDIT AND STANDARDS COMMITTEE



DATE	24 <sup>th</sup> March 2021
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Catherine Waudby
TEL NO	01282 477198
EMAIL	cwaudby@burnley.gov.uk

#### PURPOSE

1. To consider the revised Corporate Policy for Covert Surveillance and Covert Human Intelligence Sources under the Regulation of Investigatory Powers Act 2000 ("RIPA").

#### RECOMMENDATION

2. To consider the revised Corporate Policy.

#### REASONS FOR RECOMMENDATION

3. To fulfil the IPCO's recommendations to review the Policy.

#### SUMMARY OF KEY POINTS

4. RIPA regulates the Council's use of covert surveillance to prevent and detect criminal activity.
5. The Council's Policy for the use of Covert Surveillance and Covert Intelligence Source. was provided to the Investigatory Powers Commissioner's Office (IPCO) during the latest assessment which took place in March 2020. The report of the Investigatory Power's Commissioner made recommendations to further strengthen compliance with the legislation. These included revising the Policy to include examples of the types of matters the Council may come across and strengthening the policy in relation to the use of social media. Regular staff training on RIPA was also recommended.
6. The review of the Policy has been completed. The Policy attached to this Report has been updated to reflect changes in the organisation and generally. The section on the use of social media has been expanded to explain situations where RIPA may be engaged. The Policy also introduces the concept of a non- RIPA authorisation. This is to be used in cases where RIPA is not engaged as the activity carried out by the Council is not strictly covert because the premises have been previously warned of a visit for a test purchase or where covert surveillance is undertaken but it is not in pursuance of the investigation of a crime. The use of a non RIPA authorisation is recommended to ensure

that the Council does not breach Article 8 of the Human Rights Act 1998 – the right to respect for one’s private and family life.

7. Training on the revised Policy is proposed to ensure that officers in the Council understand the obligations under RIPA and the wider circumstances where a non – RIPA type authorisation should be sought.

<b>FINANCIAL IMPLICATIONS AND BUDGET PROVISION</b>
--

8. None

<b>POLICY IMPLICATIONS</b>
----------------------------

9. None

<b>DETAILS OF CONSULTATION</b>
--------------------------------

10. David Talbot, Senior Solicitor and Ian Evenett, Internal Audit Manager

<b>BACKGROUND PAPERS</b>
--------------------------

11. Letter of the Right Honourable Sir Brian Leveson, Investigatory Powers Commissioner dated 2<sup>nd</sup> April 2020.

<b>FURTHER INFORMATION</b>
----------------------------

<b>PLEASE CONTACT: CATHERINE WAUDBY</b>
---