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| Part 1 - Open to the Public | ITEM NO. |
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REPORT OF: City Solicitor

TO THE AUDIT & ACCOUNTS COMMITTEE
ON
29 September 2021

TITLE: Regulation of Investigatory Powers Act 2000 (RIPA) – Annual Report 2020/2021

RECOMMENDATIONS: Members are requested to:

- 1) Note the current position in respect of RIPA activity/applications, procedures and practice.
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EXECUTIVE SUMMARY

This report updates Members of the Audit & Accounts Committee with details of:

- RIPA activity/applications from 1 April 2020 to 31 March 2021
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BACKGROUND DOCUMENTS:

Regulation of Investigatory Powers Act 2000
Salford City Council CCTV Code of Practice
Salford City Council Policy and Procedures
Anti-Fraud Bribery & Corruption Policy statement
Anti-Fraud Bribery & Corruption Strategy
Anti-Bribery Policy
Whistleblowing Policy
Anti-Money Laundering Policy
Anti-Money Laundering Procedures
Prosecution Searches and Interview Policy

KEY DECISION: NO

DETAILS:

The City Solicitor is our Senior Responsible Officer ('SRO') - a statutory role required under the Regulation of investigatory Powers Act 2000. Our Head of Audit is our RIPA Monitoring Officer. Following a significant reduction in the use of the RIPA framework and a fall to zero directed surveillance authorisations a review of the policies and procedures was carried out in 2017.

Since that date, there have been no RIPA applications. There have been no RIPA cancelled cases and no 'not authorised' cases. Annual returns to IPCO have been provided to this effect.

Our RIPA policy has now been reviewed and updated again to cover issues reflecting the fact that the Investigatory Powers Commissioner's Office (IPCO) took over the responsibility for oversight of investigatory powers from the Interception of Communications Commissioner's Office (IOCCO) and the Office of Surveillance Commissioners (OSC) in September 2017. There are also new RIPA Draft Codes of Practice. The draft policy changes have been completed and will be submitted to the next meeting of the Audit Committee for comment, prior to Cabinet approval. We can also report that all of the recommendations from the IPCO audit last year have been complied with and reported back to IPCO accordingly.

The SRO delivered RIPA training to key staff involved in any RIPA activity in September 2020. This covered areas including:

- an overview of the Regulation of Investigatory Powers Act 2000
- our procedures at Salford City Council
- different types of surveillance
- authorising surveillance
- seeking Magistrates approval
- non RIPA surveillance
- a toolkit and information
- governance and policies
- human rights
- the principles of necessity and proportionality

The SRO has identified that it would be good practice to provide further training in relation to surveillance of social networking sites and covert human intelligence sources ('CHIS') and this is in hand.

CHIS is defined as a person who establishes or maintains a personal or other relationship with another person for the covert purpose of facilitating anything that:

- i) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- ii) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

It has become apparent in recent years that for a variety of reasons, which include reduced resources, greater access to data-matching and the use of overt rather than covert law enforcement activity, authorities like us have granted far fewer RIPA authorisations – many authorities are in a similar situation to us and have granted none during recent years.

KEY COUNCIL POLICIES:

Anti-Fraud & Anti-Corruption Policy Statement

Please also see background documents above

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

If the Council fails to comply with the legislation and regulations, then there are reputational risks as well as financial and legal risks.

ASSESSMENT OF RISK

Failure to have appropriate RIPA Policy and Procedures in place along with staff who have not been trained properly may lead to the Council not meeting its statutory duties, exceeding its powers and facing complaints to the Investigatory Powers Tribunal and/or the related risk of legal challenge with its attendant reputational and financial consequences.

LEGAL IMPLICATIONS Supplied by: Dave Wilcock, City Solicitor

The City Council's policies such as the Anti-Fraud & Anti-Corruption Policy Statement, RIPA Policy and CCTV Code of Practice are adopted and implemented to ensure it meets its statutory duties.

Failure to follow the policies / procedures may result in complaints to the Investigatory Powers Tribunal and/or a risk of legal challenge to any evidence, as well as reputational and financial risks.

FINANCIAL IMPLICATIONS Supplied by:

There are no known financial implications with this report.

PROCUREMENT IMPLICATIONS Supplied by:

There are no known Procurement Implications with this report.

HR IMPLICATIONS Supplied by: Sam Betts, Assistant Director HR & OD

All workforce related investigations are undertaken by an appropriate manager supported by HR and wherever possible, overt (non-secret) investigation techniques should be used. The use of covert surveillance for disciplinary investigations will only happen where there is no other practical option. All such investigations comply with non-RIPA surveillance policies which are available to staff and managers through the Council's intranet.

OTHER DIRECTORATES CONSULTED: Yes

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WARDS TO WHICH REPORT RELATES: N/A