

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF AUDIT & GOVERNANCE COMMITTEE ON 21 NOVEMBER 2019

PART A : REPORT

SUBJECT: Updates to the Corporate Policy and Procedures Document on The Regulation of Investigatory Powers Act 2000 (RIPA)

REPORT AUTHOR: Stephen Pearse, Internal Audit Manager

DATE: November 2019

EXTN: 37561

PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

The Audit & Governance Committee is the designated body for oversight of the Council's use of powers under the Regulation of Investigatory Powers Act (RIPA)

The Council's Corporate Policy and Procedures Document on the Regulation of Investigatory Powers Act 2000 (RIPA) has been reviewed and updated, requiring Committee approval for adoption by Full Council

RECOMMENDATIONS:

Members of the Audit & Governance Committee are requested to consider the updates to the Policy document and recommend its adoption by Full Council (subject to any changes required by the IPCO Inspector)

1. BACKGROUND:

The Council has a published RIPA policy. This was last updated in 2013, with the changes agreed and adopted by Full Council at its meeting of 15 May 2013.

The Policy has been reviewed and updated to take into consideration:-

- the change from the Office of Surveillance Commissioners (OSC) to the Investigatory Powers Commissioner's Office (IPCO)
- the implementation of the Investigatory Powers Act 2016, removing communications data from RIPA and having separate processing and authorisation procedures
- changes to the Council's structure.

(Changed areas are highlighted).

It should be noted that:-

<ul style="list-style-type: none"> - the Council has not made use of these powers for a number of years and a report / update on any usage is provided to the Audit & Governance Committee annually - an IPCO inspection of the Council's RIPA administration, policies and usage is scheduled for 3 December 2019 and a copy of the policy (as revised) has been provided to the Inspector in advance of this. If any minor changes are required by the Inspector, these will be made prior to submission to Full Council). 		
2. PROPOSAL(S): It is proposed that the updates to the RIPA Policy be recommended for adoption by Full Council (subject to any changes required by the IPCO Inspector)		
3. OPTIONS: To recommend the updates to the Policy are adopted by Full Council, or not		
4. CONSULTATION: In preparing the report, the Group Head of Council Advice & Monitoring Officer and the Legal Services Manager were consulted on the changes relevant to their areas		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act	✓	
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS: Use of RIPA (and now IPA) powers have significant restrictions imposed by the legislation. Failure to follow appropriate procedures and approval processes, relevant to the Council under RIPA / IPA, could mean that evidence gathered could be deemed inadmissible in a Court case and/or the Council could be open to legal action for a breach of personal privacy under human rights legislation		

7. REASON FOR THE DECISION:

The Committee notes the updates to the RIPA Policy and recommends that the updated Policy be adopted by Full Council (subject to any changes required by the IPCO Inspector)

8. BACKGROUND PAPERS:

N/A