

**COMMUNITY PDG
27 MARCH 2018**

**Regulation of Investigatory Powers Act 2000 (RIPA)
RIPA Policy and procedures**

Cabinet Member(s): Cllr Mrs M Squires
Responsible Officer: Director of Corporate Affairs and Business Transformation

Reason for Report: To undertake the annual review of the Council's existing RIPA policy.

RECOMMENDATION:

- 1. That the Cabinet be advised that the Council's existing RIPA Policy does not require updating or amending at the current time.**
- 2. To note that the Council has not used its powers under RIPA since March 2014.**

Relationship to Corporate Plan: To approve the RIPA policy on an annual basis is a requirement of being a well-managed Council.

Financial Implications: None

Legal Implications: As set out in the policy and this report

Risk Assessment: None

Equality Impact Assessment: None

1.0 Background

- 1.1** The Council's existing RIPA Policy was updated and approved by Cabinet on 5th January 2017 (Appendix 1 to this report). The RIPA Policy states at paragraph 13 that members of the Community Wellbeing PDG should review the policy annually.
- 1.2** Members are informed that a new act known as the Investigatory Powers Act 2016 has been passed. The 2016 Act does not change the law with regard to the Council using directed surveillance and covert human intelligence sources. These two powers still come under the Regulation of Investigatory Powers Act 2000. The existing codes for directed surveillance and CHIS made under the 2000 Act still apply and have not changed.
- 1.3** The 2016 Act does contain provisions which are not yet in force about the power of local authorities to acquire data about communications. The Council's existing RIPA Policy says it does not apply to this power to acquire communication data because the Council does not anticipate using the power. It is still the case that the Council does not anticipate using this power.

- 1.4 Accordingly, at this time, because the Council does not use the power to acquire communication data it is considered the 2016 Act, when it is brought into force, will not require the existing RIPA Policy to be updated.
- 1.5 The Home Office says in due course there will be a code of practice, concerning communications data, which will be published for consultation at a later date. Officers will be alert to this code and report to the Community Wellbeing PDG, if there are any changes that need to be made.

2.0 **Summary**

- 2.1 In summary, the Council's RIPA Policy concerns directed surveillance and covert human intelligence and the law and codes of practice relating to these areas have not changed.

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Circulation of the Report: Cllr Mrs M Squires and Leadership Team

List of Background Papers: