



Investigatory Powers
Commissioner's Office

PO Box 29105, London
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Mr Stephen Walford
Chief Executive
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

18th October 2018

Dear Mr Walford,

**Inspection of Mid Devon District Council
Compliance with the Regulation of Investigatory Powers Act 2000 (RIPA)**

Your Council was recently subject of a desktop based documentary inspection by one of my Inspectors, Mrs Gráinne Athorn. I am grateful to you for facilitating this through your Legal Services Manager – Kathryn Tebbey who has provided the relevant materials including a comprehensive response to our Desktop Inspection Questionnaire, a copy of the Corporate Policy on the Use of Directed Surveillance and CHIS and guidance on the use of your CCTV systems.

The information you have provided has demonstrated a much improved level of compliance from that which was demonstrated at the time of the last Inspection in April 2015. This removes, for the present, the requirement for a physical inspection. It is anticipated that this will be undertaken when your authority's next three-yearly inspection is due (approximately autumn 2021).

I note that in his Inspection Report of 2015 Assistant Surveillance Commissioner HH Norman Jones made six recommendations for action, all of which have been completed. I understand that particular comment was made in relation to the overall quality of surveillance applications and authorisations. Given that Mid Devon District Council has made no further use of these powers during the intervening period, it is not possible to test if the refresher training provided to Council officials in 2015/6 has had the effect of improving the overall quality, and thus it is my intention to keep this element under review until such a time that we visit you again.

In respect of the provision of regular training, I understand that a further update package is pending and due to be delivered to key personnel in early 2019. I ask that you ensure that all four nominated Authorising Officers (including you in your capacity as Senior Authorising Officer) complete refresher training as a matter of priority to ensure that your knowledge of RIPA and the revised Codes of Practice is current.

With regard to the present corporate policy in respect of RIPA, I understand that this is due for revision shortly. Mrs Athorn has asked me to highlight three areas for improvement:

- I, Please draw readers' attention to the fact that when a directed surveillance or covert human intelligence source authorisation requires renewal, the renewal must be approved by a magistrates' court in the same manner as an initial authorisation;
- II, The policy states that in the absence of the Paid Head of Service/Chief Executive, the Corporate Directors may grant authorisations for vulnerable persons/juvenile CHIS or directed surveillance where there is a risk of obtaining confidential information. This is not the case. Such an authorisation may only be granted by the person who is formally nominated as the acting Chief Executive in your absence;
- III, It was acknowledged in your response to the desktop inspection form that there is need for guidance on the monitoring of information online such as social media posts, during investigations. I understand that the Council has already taken the stance of precluding activity of this kind, however this needs to be clearly stated within the policy.

My Office is available to you should you have any queries following the recent desktop inspection, or at any point in the future. Contact details are provided at the foot of this letter.

Yours Sincerely,

A handwritten signature in black ink that reads "Adrian Fulford". The signature is written in a cursive, slightly slanted style.

The Rt. Hon. Lord Justice Fulford
The Investigatory Powers Commissioner