



Meeting: Audit Committee

Date: September 2021

Wards Affected: All

Report Title: Regulation of Investigatory Powers Act 2000

Is the decision a key decision? No

When does the decision need to be implemented? N/A

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1. Background

- 1.1 As a Local Authority, Torbay Council may wish to undertake an investigation under the Regulation of Investigatory Powers Act (RIPA) 2000.
- 1.2 RIPA 2000 regulates the use and method of surveillance which is carried out by public authorities. A Council is a public authority under RIPA 2000. A public authority may carry out covert surveillance where this surveillance is directed and not intrusive and only in relation to an offence for which there could be a custodial sentence of at least 6 months.
- 1.3 Torbay Council has not undertaken any main RIPA authorisation since 2008 and has not authorised any requests for communications data since the Trading Standards service transferred to Devon County council.
- 1.4 However, as the Council can rely on these powers should the need ever arise, it is important that all Members and staff are kept aware of the requirements of RIPA and that the relevant policies and procedures are kept up to date.

2. RIPA Update

- 2.1 Every 3 years the Council is subject to an inspection from the Investigatory Powers Commissioner's Office (IPCO). The latest inspection took place virtually in December 2020.

2.2 The inspector recognised that the Council does not carry out surveillance and also appreciated that we were in the middle of Chief Executive recruitment which would impact on the Council's RIPA Structure.

2.3 Actions identified through the inspection were as follows:

- Update the policies and procedures, to include a policy / procedure for social media surveillance.
- Update the Council's structure following Chief Executive recruitment to reflect officer roles and responsibilities.
- To ensure that training takes place for officers within the RIPA structure.

2.4 The above actions will be completed in this financial year.