

Title: **Regulation of Investigatory Powers Act (RIPA) Update**

Wards Affected: **All Wards in Torbay**

To: Audit Committee

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1. Key points and Summary

- 1.1 The Regulation of Investigation Powers Act 2000 (RIPA) governs the use of covert surveillance activities by public authorities.
- 1.2 The Council's policies are currently being reviewed and updated to ensure they reflect legislation and national codes of practice.
- 1.3 Staff within the Council's RIPA structure will receive training on the requirements of the legislation.
- 1.4 Every three years Torbay Council is subject to inspection by the Investigatory Powers Commissioner's Officer (IPCO) and our most recent inspection took place in November 2023.

2. Introduction

- 2.1 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.
- 2.2 Although 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, we are still required to ensure that our policies, guidance and staff training are up to date. This ensures that in the event a RIPA authorisation, relevant officers are aware of their responsibilities under the Act.

3. RIPA Update

- 3.1 The Council's main RIPA Policy and Guidance Manual are currently being reviewed and updated. Along with a full update of the RIPA officer Structure and associated guidance for staff, this also includes guidance for the CCTV team on handling police requests for surveillance using the Council's CCTV system.
- 3.2 In line with national guidance, we have a policy regarding the use of social media in investigations. This policy provides guidance for staff about how social media content can be used to assist with investigations but also sets out what is not permitted and what may be considered covert surveillance and therefore require a RIPA authorisation. This is an area where we are occasionally asked for advice and guidance from officers within Children's Services and community and Customer Services.
- 3.3 Training for staff within the RIPA structure is currently being identified and will likely be delivered via an online module. In addition to this, officers who have an enforcement or investigatory element to their role will be required to undertake some training to ensure they were aware of RIPA legislation and their responsibilities within it.
- 3.4 The Council is also required to hold a central record of RIPA authorisations and while none have been conducted, this record has been updated to ensure that it captures all the relevant information required under the Codes of Practice.
- 3.5 Every three years the Council is subject to an inspection from the Investigatory Powers Commissioner's Office (IPCO). The latest inspection took place virtually in November 2023.
- 3.6 All of the actions identified above should be completed by the end of June 2026 to ensure that the Council is compliant and ready for the next inspection which will be due in November 2026.

Joanne Beer
Head of Information Governance