



**Meeting:** Audit Committee

**Date:** 25 July 2018

**Wards Affected:** All

**Report Title:** Regulation of Investigatory Powers Act 2000 Update

**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.
- 1.3 Torbay Council has not currently undertaken any main RIPA authorisation since 2008 it is however necessary to ensure that all Members and staff are kept aware of the requirements of RIPA should the need arise.
- 1.4 It is important to note that while the Council has not undertaken any main RIPA authorisations since 2008, we need to ensure that our RIPA policies and procedures are kept up to date and that they take into account any changes in national guidance. As such our operational policies and procedures in relation to RIPA have been updated and reviewed following the release of Procedures and Guidance issued by the Office of Surveillance Commissioners in July 2016.

## 2. RIPA Update

- 2.1 The Audit Committee are presented with information below regarding use of RIPA for investigations.
- 2.2 One of the roles of the Council in terms of its obligations towards RIPA takes into account the use of Communications data.

- 2.3 The Council has not undertaken any authorisations under RIPA for Directed Surveillance or for a Covert Human Intelligence Source (CHIS) since 2008.
- 2.4 Following the move of the Council's Trading Standards department to Devon County Council, there have been no authorisations for communications data made through NAFN.
- 2.5 Elected members received training on 5<sup>th</sup> June on RIPA, two sessions were offered one in the morning and one later in the afternoon. This session was offered to all elected members and 14 attended.
- 2.6 The Council's RIPA structure has been updated to reflect changes in staff and officers within the local authority who hold responsibility for authorisation and oversight of the Council's process.