

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

AUDIT AND GOVERNANCE COMMITTEE – 22 MARCH 2017

Title of report	REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY UPDATE
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Purpose of report	To present the RIPA Inspection report and Policy update to members.
Reason for Decision	To comply with the requirements of the Surveillance Commissioners Guidance and good practice
Council Priorities	Value for Money
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	To comply with the current legislation
Equalities Impact Assessment	N/A
Human Rights	N/A
Transformational Government	No direct implications
Consultees	None
Background papers	Protection of Freedoms Act 2012
Recommendations	THAT THE COMMITTEE NOTES THE SURVEILLANCE COMMISSIONERS INSPECTION REPORT AND THE AMENDMENTS TO THE RIPA POLICY.

1. BACKGROUND

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a legislative framework within which authorised bodies (including Local Authorities) may conduct covert surveillance.
- 1.2 Local Authorities are subject to tri-annual inspections by the Office of the Surveillance Commissioner.
- 1.3 On 16 January 2017 the District Council received a report prepared by Sir David Clarke Assistant Surveillance Commissioner who had examined the arrangements that the District Council has in place to secure compliance with the legislative provisions that govern the use of covert surveillance.
- 1.4 A copy of the report and the covering letter from the Chief Surveillance Commissioner are attached at Appendix 1 for information.

2. POLICY CHANGES

- 2.1 The Commissioners report at Paragraph 10 identified two improvements to the District Council's RIPA policy, namely:
 - 1) The definition of *private information* contained in Paragraph 10 of the policy is unduly restrictive: and
 - 2) At Paragraph 19 of the Policy the statement that RIPA does not apply where members of the public volunteer information as part of their normal civic responsibilities is too baldly stated and requires some clarification.
- 2.2 Officers, having considered the suggested improvements, have amended the Policy to reflect the concerns of the Surveillance Commissioner and an amended policy is attached at Appendix 2 for Members information.
- 2.3 The Head of Legal and Support Services has made the amendments to the Policy in accordance with a delegation granted to her by Cabinet on 9 February 2016