

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

AUDIT AND GOVERNANCE COMMITTEE – 9 DECEMBER 2015

Title of report	CHANGES TO THE COUNCIL'S REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY
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Purpose of report	To inform the committee of updates to the Council's RIPA Policy.
Reason for Decision	To comply with guidance
Council Priorities	Covers all priorities.
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	To be considered as part of the judicial process.
Equalities Impact Screening	Not applicable to overall policy as undertaken on individual prosecutions
Human Rights	Not applicable to overall policy as undertaken on individual prosecutions
Transformational Government	Not Applicable
Consultees	None
Background papers	Regulation of Investigatory Powers Act 2000 http://www.legislation.gov.uk/ukpga/2000/23/contents Changes to Local Authorities Use of RIPA Guidance. https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa Protection of Freedoms Act 2012 http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted Regulation of Investigatory Powers (Directed Surveillance and

	Covert Human Intelligence Sources) Order 2010 http://www.legislation.gov.uk/ukdsi/2010/9780111490365/contents
Recommendations	THAT THE COMMITTEE NOTE THE REPORT AND THE CHANGES TO THE RIPA POLICY AND PROVIDES ANY COMMENTS IT MAY HAVE FOR CONSIDERATION BY CABINET WHEN IT MEETS ON 12 JANUARY 2016 TO CONSIDER THE POLICY.

1.0 INTRODUCTION

1.1 On 24 September 2013 Audit and Governance Committee approved amendments to the RIPA policy resulting from a change in legislation.

1.2 A local authority's use of RIPA is subject to judicial authorisation and scrutiny by the Office of the Surveillance Commissioner.

1.3 In his latest Annual Report for 2014-15 published in June 2015 the Chief Surveillance Commissioner stated:

"Perhaps more than ever, public authorities now make use of the wide availability of details about individuals, groups or locations that are provided on social networking sites and a myriad of other means of open communication between people using the Internet and their mobile communication devices. I repeat my view that just because this material is out in the open, does not render it fair game. The Surveillance Commissioners have provided guidance that certain activities will require authorisation under RIPA or RIP(S)A and this includes repetitive viewing of what are deemed to be "open source" sites for the purpose of intelligence gathering and data collation."

1.4 The District Council's RIPA policy is currently silent on the use of social media in the investigation process.

1.5 In light of the comments of the Chief Surveillance Commissioner it is considered prudent to insert a specific section within the policy relating to the use of social media networks in the investigatory process.

1.6 The Policy appended to this report has been amended at section 19 to reflect the changes resulting from the comments of the Chief Surveillance Commissioner at paragraph 1.3 above.

1.7 Members are asked to note the changes to the policy.