

Cyngor Sir CEREDIGION County Council

REPORT TO: Overview and Scrutiny Co-ordinating Committee

DATE: 26 September 2022

LOCATION: Remotely Via Video Conference

TITLE: Report on the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA)

PURPOSE OF REPORT: Information

REASON SCRUTINY HAVE REQUESTED THE INFORMATION: To undertake its 6 monthly review of the Council's use of RIPA

BACKGROUND:

A report was last brought to the Committee on the 15th of September 2021 (see 15th September 2021 report at: <https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=143&MId=196&Ver=4&LLL=0>).

Monitoring by members

The Overview and Scrutiny Co-ordinating Committee is responsible for reviewing the Council's use of RIPA.

Reports are usually presented to the Overview and Scrutiny Co-ordinating Committee on a 6 monthly basis; however, this report is presented 12 months following the previous due to a lack of RIPA activity.

CURRENT SITUATION:

1) RIPA Activity

There has been no RIPA activity by any service of the Council during the period between the 13th of August 2021 and the 4th of July 2022. Authorising Officers have confirmed that they have not considered any RIPA applications during this time.

2) Training

On the 28th of February 2022, a half day training workshop was delivered by an external provider to relevant Officers on RIPA. This workshop covered the following:

- RIPA overview and relationship with Article 8 Human Rights

- Defining 'private information'
- Definitions of Directed Surveillance, Intrusive Surveillance and Covert Human Intelligence Source
- RIPA & Non-RIPA surveillance – Overview of activity requiring authorisation
- Impact upon workplace role & activity
- Relevance of RIPA to the functions of those attending
- Necessity, Proportionality & Collateral Intrusion
- Guidance relating to process forms and records
- Overview of roles and responsibilities
- RIPA and social media – when it does and doesn't apply
- Overview of CHIS procedures and activity
- Review of action plan
- Consequences of non-compliance

This training and previous sessions should ensure that relevant Officers have the necessary knowledge to comply with RIPA requirements.

Swansea Council have extended the offer for Officers at Ceredigion to attend a training session they are arranging for the 30th of September. This training session will be attended by Officers who may benefit from RIPA training who have not previously been able to attend a session.

3) Staff Update

On the 3rd of December 2021 a RIPA Update from the SRO was published on Cerinet News for all Council staff. This informed staff that the Council's Regulation of Investigatory Powers Act 2000 ('RIPA') PART II Directed Surveillance, Covert Human Intelligence Sources and Communications Data Corporate Policy & Procedures Document ('RIPA Policy') had been updated. This update also made staff aware of the Council's new RIPA Social Media Policy. Both of these changes were approved by Council at the meeting of the 23rd of September 2021.

This update also provided an overview to staff of the RIPA forms and guidance available on CeriNet.

It is intended that 6 monthly messages will be circulated via Cerinet to ensure that any new staff are captured in order to raise awareness of the need to consider RIPA.

4) IPCO Inspection 2022

A letter was received from IPCO on the 17/8/22 stating that the Council was due for its next programmed inspection of the use of covert surveillance and covert human intelligence sources (CHIS) in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 (**Appendix 1**). The inspector requested that a meeting be arranged with the Senior Responsible Officer to discuss the most appropriate methodology for this inspection. The meeting took place on 23/8/22. Requests for information regarding the Council's use of RIPA,

its policies and procedures were responded to in this meeting and the inspector decided that a full inspection would not be necessary.

A follow-up meeting was arranged for 30/8/22, with the Licensing & Trading Standards Manager, and SRO and RIPA representative, during which answers were provided to the remainder of the inspector's questions.

The IPCO report will be presented to the next Committee meeting.

5) Data Assurance & Retention Schedule

In April 2020, a letter was received from IPCO relating to assurance of data handling and retention safeguards (**Appendix 2**). Another copy of this letter was received in August 2022. Inspectors had identified many organisations were retaining data longer than is necessary or appropriate.

In response to this letter, a Corporate Retention Schedule was created and was published on Cerinet on 20th June 2022. This document has been distributed to all Authorising Officers and Designated Officers to ensure compliance.

Progress with the 6 relevant points outlined in the letter are as follows:

1. Review the safeguarding obligations in the relevant Code of Practice for any powers used by your authority.
 - The RIPA policy was reviewed with amendments presented to Council in March 2020 to account for the revised Home Office codes for Covert Surveillance and CHIS, which were published in 2018.
2. Ensure that internal safeguard policies for retaining, reviewing and disposing of any relevant data are accurate and up-to-date.
 - A review of the RIPA Corporate Policy and Procedures Document (RIPA Policy) was undertaken with proposed amendments presented to the Overview & Scrutiny Coordinating Committee on the 20/01/2021 and 15/09/2021. The council's new RIPA Social Media Policy, which was created in response to recommendations following the previous inspection in 2019, was also presented to this committee on these dates. Both the amended RIPA Policy and RIPA Social Media Policy were approved by council on the 23/09/2021.
 - New Corporate Retention Schedule published on Cerinet 20th June 2022
3. Ensure that the authorising officer for your authority has a full understanding of any data pathways used for RIPA or IPA data.
 - RIPA coordinator has checked with Authorising Officers to confirm they have such an understanding and will provide guidance where necessary. Awaiting responses therefore will be reported to committee in next update.
4. Ensure that all data obtained under IPA and RIPA is clearly labelled and stored on a data pathway with a known retention policy.
 - No RIPA or IPA data held.
 - Work is ongoing to ensure systems in place are sufficient for storage of IPA and RIPA data.
 - New Corporate Retention Policy ensures retention periods for data pathways containing such data are known.
5. Review the wording of safeguards in any applications to obtain data under IPA and RIPA and ensure that they accurately reflect the retention and disposal processes at your authority.
 - Application forms have been updated to include requirement that Authorising Officers

consider how long data should be stored for and to refer to the Corporate Retention Schedule.

6. Review whether data obtained under previous authorisations is being retained for longer than is necessary and, if appropriate, consider disposing of retained data.
 - o All data from previous authorisations has been destroyed.

6) Authorising Officers

- a) The current Authorising Officers for Directed Surveillance, CHIS authorisations and non-RIPA authorisations are:
 - The Corporate Lead Officer: Policy, Performance and Public Protection;
 - The Corporate Lead Officer: People and organisation; and
 - The Statutory Director of Social Services & Corporate Lead Officer: Porth Cynnal
- b) The Chief Executive is the Authorising Officer to grant authorisations in respect of confidential or privileged information, relating to the covert filming of any Elected Member, Corporate Director or Corporate Lead Officer, or relating to surveillance of juveniles or vulnerable people.
- c) The current Approved Rank Officer for Communications Data is:
 1. Corporate Lead Officer: Policy, Performance & Public Protection

Alternative substitutes (if Approved Rank Officer at 1. above unavailable) are:

- Corporate Lead Officer: People and Organisation; and
- Corporate Lead Officer: Porth Cynnal

Has an Integrated Impact No Assessment been completed? If not, please state why

Summary: This report is provided for information only and does not represent a change in policy or strategy.

WELLBEING OF FUTURE GENERATIONS:

Long term:

Integration:

Collaboration:

Involvement:

Prevention:

RECOMMENDATION (S):

That the Committee notes the content of the report.

REASON FOR RECOMMENDATION (S):

To ensure the committee is kept up to date with the Council's use of RIPA and implementation of policies.

Appendices:

Appendix 1 - Letter - IPCO Inspection – Ceredigion County Council 17 August 2022

Appendix 2 - IPCO Letter Assurance of data handling and retention safeguards April 2020

Contact Name: Elin Prysor

Designation: Corporate Lead Officer – Legal & Governance (& Monitoring Officer)

Date of Report: 01/09/2022

Acronyms: RIPA: Regulation of Investigatory Powers Act 2000

SRO: Senior Responsible Officer

CHIS: Covert Human Intelligence Source

IPCO: Investigatory Powers Commissioner’s Office