

Report to: **Leader and Lead Member for Strategic Management and Economic Development**

Date: **20 January 2021**

By: **Assistant Chief Executive**

Title of report: **Regulation of Investigatory Powers Act ('RIPA') and Investigative Powers Act ('IPA') update**

Purpose of report: **To set the County Council's policy covering their use for 2020/21**

RECOMMENDATION:

The Leader is recommended to approve the amendments to the County Council's Policy in relation to the use of Covert Investigative Techniques ('the Policy') as set out in Appendix 1

1. Background

1.1 The Investigative Powers Act (IPA) was brought into force incrementally between 2016 and 2020 with almost all provisions now in force. This now allows Local Authorities to seek Communications Data via the National Anti-Fraud Network (NAFN) to the Office for Communications Data Authorisations (OCDA) rather than via the Court Service.

1.2 The County Council's use of RIPA applications/ authorisations is reported on a quarterly basis to Cabinet and the County Council.

1.3 Updated refresher training for officers took place in November 2000.

2. Proposed changes to the Policy

2.1 The policy has been revised to reflect changes in Authorising Officers, to incorporate changes introduced by the IPA and updated codes of practice, and to improve the quality of the content. The name of the Policy has also been amended to reflect the fact that it no longer solely covers the use of RIPA. The previous '*Policy in relation to the use of the Regulation of Investigatory Powers Act 2000*' has been renamed as the '*Policy in relation to the use of Covert Investigative Techniques*' and has been amended to:

- Include updated legislation and codes of practice at Section 1
- Remove references to Designated Persons which have been replaced by 'Made Aware' Officers. as referred to above, in Sections 2, 3 and 4
- Reflect that authorisations for CHIS in respect of a juvenile are now valid for 4 months unless renewed or cancelled at Section 5.2
- Remove the reference to judicial approval which is no longer required in respect of Communications Data at Sections 5.3, 7 and 13.1
- Reflect changes to the process for cancellations in respect of Communications Data at Section 8.1
- Require a copy of any application, authorisation, notice, renewal or cancellation to be forwarded to the Senior Responsible or a person nominated by him within 5 working days at Section 9.1

- The inclusion of 'Made Aware' Officers
- Include Special Arrangements for the use of CHIS at Section 12
- Update the data protection legislation at Section 14
- Update the definition of Communications Data in the glossary
- Update Authorising Officers and Made Aware officers in Annexes 1 - 3
- Update the procedure for obtaining Communications Data at Annex 6
- Update the Internal Guidance for applications to reflect the changes regarding Communications Data at Annex 8

2.2 All changes to the Policy are shown as tracked changes in the Policy at Appendix 1.

3. Conclusion and reason for recommendation

3.1 It is proposed that the Leader and Lead Member approves the changes to the relevant Policy.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Robert Freeman Tel No: 01273 336715
Local Member: All