

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

Date: 31 March 2025

By: Deputy Chief Executive

Title of report: Regulation of Investigatory Powers Act 2000 (as amended) ('RIPA') and Investigative Powers Act 2016 ('IPA') update

Purpose of report: To set the County Council's policy covering their use.

RECOMMENDATION: The Leader is recommended to approve 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 This Policy is predominantly based on the requirements of RIPA, IPA and the Home Office codes. The RIPA introduced a system of authorisation and monitoring of surveillance activities, to ensure that the rights of the individual were not unnecessarily compromised. The IPA has since been introduced to require a similar system of authorisation in respect to the acquisition of communications data.

1.2 In accordance with recommendations made by the Investigatory Powers Commissioner, elected members of a local authority should set the policy at least once a year.

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

2. Proposed changes to the Policy

2.1 The existing policy in relation to the use of covert investigative techniques is kept under review and formally reviewed on an annual basis. The only proposed amendment is clarify that, even if surveillance (including the viewing of open source or restricted data) does not require an authorisation under RIPA, it could still amount to a breach of human rights and appropriate legal advice should be sought before surveillance is undertaken.

2.2 The recommended amends to the Policy are shown as tracked changes in the Policy Appendix 1.

3. Conclusion and Reasons for Recommendation

3.1 It is proposed that the Leader and Lead Member approves the relevant Policy to comply with the requirements of RIPA, IPA and the Home Office codes.

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Local Member: All