



Investigatory Powers
Commissioner's Office

PO Box 29105, London
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Ms Rachael Shimmin
Chief Executive
Buckinghamshire County Council
The County Hall
Walton Street
Aylesbury
Bucks
HP20 1UA

5th February 2019

Dear Ms Shimmin,

Inspection of Buckinghamshire County Council

Your Council was recently subject of a desktop-based documentary inspection by one of my Inspectors, Ges Horne. I am grateful to you for facilitating this through your Head of Legal Compliance, Mr Jamie Hollis, who has provided the relevant materials.

The information you have provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. It is anticipated that this will be undertaken when your authority's next three-yearly inspection is due.

Your Council was found to have a clear and comprehensive RIPA policy and arrangements in place for refresher training for key officers in March 2019. The following corrections or amendments to the RIPA Policy have been identified however and require the appropriate remedial action:

- Paragraph 38 refers to directed surveillance against council employees but does not amplify or qualify this statement. The protection of a directed surveillance authorisation is only available to the Council in the exercise of its *core* functions. The disciplining of staff, for example, is an *ordinary* function undertaken by all authorities and covered by different legislation. This needs to be clarified.
- Paragraphs 55 and 56 refer to *SI 2000 / 2793 Regulation of Investigatory Powers (Juvenile) Order* which has now been superseded by *SI 2018 /715 Regulation of Investigatory Powers (Juvenile) Order 2018* which extends the authorisation period for juvenile CHIS from one to four months (paragraph 94 also needs amending accordingly).
- Paragraph 68 needs to clarify that directed surveillance under RIPA to prevent or detect crime *must be punishable by a maximum term of six months' imprisonment*.
- Paragraphs 77 refers to legally privileged information. The guidance should include a reference to the enhanced authorisation process; the Council's Head of Paid Service is the authorising officer but prior approval from a Judicial Commissioner is required.
- Paragraph 98 - the renewal process and the flow charts in appendix B should highlight that a renewal requires the approval of a magistrate before coming in to effect.

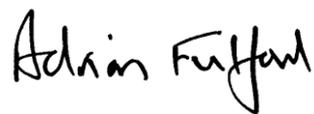
I would be grateful if you could ensure these matters are addressed at the earliest opportunity.

I take the opportunity here to remind you of the importance of regular, ongoing internal oversight of the actual or potential use of these powers, which should be managed through yourself as the Senior Responsible Officer. Officers need to maintain their levels of training lest, however remote a possibility it may appear, the powers need to be used. I also draw attention to the increasing usefulness and accessibility of social media which can offer initial investigative leads and assist with your enforcement or other responsibilities, but it behoves you to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The Home Office Covert Surveillance and Property Interference Code of Practice provides some helpful advice on this point, and I note that your forthcoming training will focus on this type of activity.

My Office is available to you should you have any queries following the recent desktop inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I shall be grateful if you would acknowledge receipt of the report within one month.

Yours sincerely,



The Rt. Hon. Lord Justice Fulford
The Investigatory Powers Commissioner