



INFORMATION SHEET

Audit Committee

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Regulation of Investigatory Powers Act 2000 ("RIPA") Annual Report 2018

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Members are asked to note the following the following annual update concerning RIPA policy and overall RIPA performance by the Council.

Background

The Regulation of Investigatory Powers Act 2000 ("RIPA") was designed to regulate the use of investigatory powers and to satisfy the requirements of the European Convention on Human Rights on its incorporation into UK law by the Human Rights Act 1998. RIPA regulates the use of a number of covert investigatory techniques, not all of which are available to local authorities. The three types of technique available to local authorities are: the acquisition and disclosure of communications data (such as telephone billing information or subscriber details); directed surveillance (covert surveillance of individuals in public places); and covert human intelligence sources ("CHIS") (such as the deployment of undercover officers). Local authorities sometimes need to use covert techniques in support of their statutory functions. They, not the police, are responsible for enforcing the law in areas such as: environmental crime, taxi cab regulation; underage sale of knives, alcohol, solvents and tobacco and the employment of minors. The communications data powers are primarily used by local authorities to target rogue traders (where a mobile phone number can be the only intelligence lead). Directed surveillance powers are used in benefit fraud cases, to tackle anti-social behaviour (in partnership with the police) and flytipping, while CHIS and directed surveillance are used in test purchase operations to investigate the sale of tobacco, alcohol and other age-restricted products.

Wycombe District Council has the power under RIPA, the Regulation of Investigatory Powers Act 2000, to conduct authorised directed surveillance (DI) in connection with the conduct of criminal investigations. Although the Council is also permitted under RIPA to authorise the interception of communications data and the use of Covert Human Intelligence Sources it has not done so since RIPA came into force in 2000.

The Council's last inspection by the Officer of Surveillance of compliance with RIPA, on 28th November 2016, noted that hardly any use is made of the statutory powers

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by this authority. However given the potential need to use the powers it was recommended that training be provided to relevant staff in 2017, including on the use of social networking sites and potential dangers of officers, while investigating, arriving in potential RIPA territory without sufficient realisation. Such training was duly provided by external trainers, Bond Solon, on 2 November 2017 to investigating officers and legal advisers, authorising officers and those who deal in social media for their work. Staff should now have a better understanding of when they may be venturing into territory covered by the statutory powers.

Use of covert surveillance requiring authorisation under the Regulation of Investigatory Powers Act 2000

There has been no covert surveillance carried out by Wycombe District Council since April 2014.

The Council's Policy and Procedures

As reported to the Audit Committee last year, the Council's Policy and Procedures were updated following the OSC inspection and are available on the Council's website.

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