



**Corporate Performance Panel**  
**Wednesday, 13th April, 2022 at 4.30 pm**  
**in the Assembly Room, Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

**Reports marked to follow on the Agenda and/or Supplementary Documents**

1. **RIPA/Non-RIPA Policy (Pages 2 - 3)**

**Contact**

Democratic Services  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX  
Tel: 01553 616394  
Email: [democratic.services@west-norfolk.gov.uk](mailto:democratic.services@west-norfolk.gov.uk)

OFFICIAL

# IPCO

Investigatory Powers  
Commissioner's Office

PO Box 29105, London  
SW1V 1ZU

Lorraine Gore  
Chief Executive  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

20 December 2021

Dear Chief Executive,

## IPCO Surveillance and CHIS Inspection – Borough Council of King's Lynn and West Norfolk

*Please be aware that IPCO is not a "public authority" for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: [info@ipco.org.uk](mailto:info@ipco.org.uk)), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.*

On 17 December, your Council was the subject of a remote inspection by one of my Inspectors, [REDACTED], who looked at your powers in relation to directed surveillance and CHIS. This has been facilitated through yourself in your capacity as the Senior Responsible Officer (SRO), the RIPA Co-ordinator, Martin Chisholm, and Jamie Hay, Senior Internal Auditor, who were interviewed using video conferencing facilities and provided the supporting documentation requested by the Inspector.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection.

My Inspector has examined your Council's RIPA Policy. The Policy is currently being reviewed by an external training consultant, and the Inspector suggested a number of amendments which should feed into his review and were accepted by yourself. The revised Policy will incorporate guidance on the sanctioning of covert activity which is incapable of authorisation under RIPA because the crime threshold is unlikely to be met. It is anticipated that the updated Policy will be presented to the Council's Cabinet in the Spring of next year.

Although there has been no engagement with RIPA for some considerable period, it was pleasing to note that refresher training for authorising officers, together with approximately 40 staff from those departments who are most likely to exercise the powers, was delivered in November 2018 and January 2019.

[REDACTED] discussed your organisation's approach to the monitoring of social media and the internet. There is up to date guidance in a separate Policy regarding the use of the internet and accessing social media sites. All activity by enforcement or investigating officers is recorded as part of the case administration process.

In accordance with paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice, you have confirmed that you provide the Elected Members with an annual report sufficient to enable them to determine that the Councils' policy remains fit for purpose, together with regular reports on RIPA activity (or inactivity).

The IPCO inspectorate is currently undertaking a programme of work in relation to compliance with the safeguarding measures regarding material acquired under RIPA and the Investigatory Powers Act; essentially how this is retained, reviewed, and ultimately destroyed (RRD). The content of my data assurance letter to all public authorities was shared with you in advance of the inspection. This letter highlights six action points which, upon completion, will allow IPCO to establish a good level of confidence in the safeguarding practices of the authorities we oversee. The current RIPA Policies do not contain any specific guidance in relation to the RRD of covertly acquired material, and it was accepted that this omission needed to be addressed by referring to the safeguards in the revised Policy.

I hope that this video conferencing-based inspection has proved to be a worthwhile exercise. My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

I thank you and your team for providing the comprehensive background reading material and making yourselves available for interview at a time of unprecedented challenges faced by all public authorities.

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,

[REDACTED]

**The Rt. Hon. Sir Brian Leveson**  
The Investigatory Powers Commissioner