

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	04/01/23		
TITLE:	January 2021 to December 2021 Report on use, or non-use of RIPA Powers		
TYPE OF REPORT:	Update		
PORTFOLIO(S):	Leader Stuart Dark		
REPORT AUTHOR:	Jamie Hay		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

REPORT SUMMARY/COVER PAGE

<p>PURPOSE OF REPORT/SUMMARY:</p> <p>We are governed by the Regulation of Investigatory Powers Act, Human Rights Act, Protection of Freedom Act, Data Protection Act/GDPR, and Investigatory Powers Act in respect of surveillance and other related activities.</p> <p>We are inspected on these matters (usually every 3 years) by IPCO (the Investigatory Powers Commissioner's Office). IPCO are required by law to gather statistical data from all public authorities on their use of Investigatory Powers available to them under the relevant legislation, including:</p> <ul style="list-style-type: none"> • Investigatory Powers Act 2016 (IPA) • Regulation of Investigatory Powers Act 2000 (RIPA) • Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA); and • Police Act 1996 (PA) <p>In accordance with paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice (August 2018) and as per section 5.2 of the Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy the Council will report its use, or non-use of these powers to the Corporate Performance Panel in line with the guidance provided by IPCO to enable members to determine the effectiveness of the RIPA policy each year.</p>
<p>KEY ISSUES:</p> <p>Attached to this report is the annual statistics return reported to IPCO for the period 1 January 2021 to 31 December 2021.</p>
<p>OPTIONS CONSIDERED:</p> <p>To note this update on the recorded use of RIPA powers for the period 1 January 2021 to 31 December 2021 as reported to IPCO.</p>
<p>RECOMMENDATIONS:</p> <p>None</p>
<p>REASONS FOR RECOMMENDATIONS:</p> <p>N/A</p>

REPORT DETAIL

1. Introduction

We are governed by the Regulation of Investigatory Powers Act, Human Rights Act, Protection of Freedom Act, Data Protection Act/GDPR, and Investigatory Powers Act in respect of surveillance and other related activities.

We are inspected on these matters (usually every 3 years) by IPCO (the Investigatory Powers Commissioner's Office). IPCO are required by law to gather statistical data from all public authorities on their use of Investigatory Powers available to them under the relevant legislation, including:

- Investigatory Powers Act 2016 (IPA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA); and
- Police Act 1996 (PA)

In accordance with paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice (August 2018) and as per section 5.2 of the Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy the Council will report its use, or non-use of these powers to the Corporate Performance Panel in line with the guidance provided by IPCO to enable members to determine the effectiveness of the RIPA policy each year.

2. Proposal

To note the recorded use of RIPA powers for the period 1 January 2021 to 31 December 2021 as reported to IPCO within the attached annual statistics return.

3. Issues for the Panel to Consider

The annual statistic return is based upon liaison with Council service areas that within the course of their activities may result in their use of RIPA powers. These powers are described within the Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy, as well as the relevant Home Office Codes of Practice and the relevant legislation, including:

- Investigatory Powers Act 2016 (IPA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA); and
- Police Act 1996 (PA)

4. Corporate Priorities

The Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy sets out how the Council will carry out surveillance activities in a controlled manner to ensure compliance with its governing legislation (as set out within the policy).

5. Financial Implications

None.

6. Any other Implications/Risks

There are risks in respect of Human Rights Act contraventions, Data breaches. It is therefore important that the Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy is

adhered to across the authority, and any breaches of the policy would feed into the Annual Governance Survey.

7. Equal Opportunity Considerations

None.

8. Environmental Considerations

None.

9. Consultation

None.

10. Conclusion

To note this update on the recorded use of RIPA powers for the period 1 January 2021 to 31 December 2021 as reported to IPCO.

11. Background Papers

- IPCO Annual Statistic return 2021