

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



<p>Name of policy/service/function</p>	<p>Regulation of Investigatory Powers Act 2000 (RIPA) Policy</p>
<p>Is this a new or existing policy/service/function?</p>	<p>Revised Policy</p>
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.</p> <p>All surveillance activity can pose a risk to the Borough Council of King's Lynn & West Norfolk (the Council) from challenges under the HRA or other processes. Therefore, it must be stressed that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.</p> <p>In preparing this policy the Council has followed the RIPA Codes of Practice (August 2018). This policy applies to all areas of the Council and the Council's Local Authority Trading Companies (LATCs). It should be noted that where RIPA applies the law should be followed.</p> <p>The purpose of this Policy is to ensure there is a consistent approach to the authorisation process and undertaking of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS). This will ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA). The policy also provides guidance on surveillance which it is necessary to undertake by the authority but cannot be authorised</p>

under the RIPA legislation. This is referred to as surveillance outside of RIPA and will have to be compliant with the Human Rights Act.

All RIPA covert activity will have to be authorised and conducted in accordance with this policy, the RIPA legislation and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The Codes of Practice are available from:

<https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice>

The Human Rights Act 1998 (HRA) makes it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).

Article 8 of the European Convention on Human Rights states that: -

- 1) Everyone has the right of respect for his private and family life, his home and his correspondence.
- 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.

Consequences of not following RIPA

Although not obtaining authorisation does not make the authorisation unlawful per se, it does have some consequences: -

- Evidence that is gathered may be inadmissible in court;
- The subjects of surveillance can bring their own claim on Human Rights grounds i.e. the Council have infringed their rights under Article 8;
- If a challenge under Article 8 is successful, the Council would receive reputational damage and could face a claim for financial compensation;

	<ul style="list-style-type: none"> The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC) <p>It is likely that the activity could be construed as an error and therefore have to be investigated and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO).</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Other (eg low income)			X	
Question	Answer	Comments			
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No				

3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions: Actions agreed by EWG member:
If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary: Decision agreed by EWG member:		
Assessment completed by: Name	James Hay	
Job title	Senior Internal Auditor	
Date	14/03/22	