

<b>Committee:</b> Policy and Resources Committee	<b>Date:</b> 4 October 2018
<b>Subject:</b> Regulation of Investigatory Powers Act 2000 – update	<b>Public</b>
<b>Report of:</b> Comptroller and City Solicitor	<b>For Decision</b>
<b>Report author:</b> Michael Cogher	

## **Summary**

The Regulation of Investigatory Powers Act 2000 (RIPA) regulates surveillance carried out by public authorities in the conduct of their business, specifically the monitoring, recording and interception of communications; the requisition, provision and handling of communications data; and the use of directed covert surveillance.

To ensure that the City Corporation remains compliant with the requirements set by the Office of Surveillance Commissioners during their visit in September 2015, and the relevant Codes of Practice, this report confirms that no requests under the Regulation of Investigatory Powers Act (RIPA) 2000 have been received by the RIPA Monitoring Officer/Co-ordinator since the last report to the Policy and Resources Committee in January 2017.

The role of Senior Responsible Officer (SRO) sits with the Town Clerk who, following staff changes, has delegated responsibility to the Comptroller and City Solicitor.

### **Recommendation:**

1. Members are asked to note this report.
2. Delegate authority to the Comptroller and City Solicitor to make such changes to the Policy and Procedure as he considers necessary to comply with current law and guidance.

## **Main Report**

### **Background**

1. In September 2015, the Office of Surveillance Commissioners inspected the City of London Corporation's process and procedure for ensuring compliance with RIPA. The inspector concluded that the City Corporation has set and maintained high standards and has a sound RIPA structure, with good policies and procedures.

Three recommendations were made, relating to: amendments to the Policy and Procedure manual; central record keeping and monitoring, and refresher training. All the recommendations have been accepted and acted upon. A further inspection is scheduled for 22<sup>nd</sup> November 2018.

2. Following changes to the law in August 2018 it will be necessary to update the Corporation's RIPA Policy and Procedures. The required changes are to reflect:
- recent changes to a number of codes of practice issued under RIPA;
  - the role of the Investigatory Powers Commissioner Office and a number of other changes to regulatory process
  - changes to the protection of data rules under the GDPR and Data Protection Act 2018
  - to provide greater clarity on the steps to be taken for the making of any necessary applications to the Magistrates Court for certain RIPA activities

Delegated authority is sought to enable the Comptroller and City Solicitor to update the Policy and procedures.

### **Current Position - Authorisations and Training**

3. *Authorisations:* Since the last report to the Committee in January 2017, no requests under the Regulation of Investigatory Powers Act 2000 have been received. However, one non-RIPA directed surveillance activity was authorised on 23<sup>rd</sup> June 2017. It was an application that fell outside of RIPA as it was an investigation that was *not* a core function of the authority. As our Policy states that we will follow the RIPA procedure for such applications, we did so in this case.

*Training:* Due to the staff changes there were new appointments of Authorising Officers' (AO) who can authorise applications under RIPA in accordance with the procedures and the RIPA Monitoring Officer/Coordinator (RMO).

The City Corporation has appointed the following officers into these roles who are responsible for all relevant activities described in the updated Policy and Procedure:

a) Senior Authorising Officer (SRO):

- John Barradell, Town Clerk and Chief Executive
- Michael Cogher, Comptroller and City Solicitor (*delegated authority*)

b) Authorising Officer (AO):

- Matt Lock, Assistant Director– Strategic Resources
- Jon Averbs, Port Health and Public Protection Director
- Jeremy Mullins, Audit Manager
- Tony Macklin, Assistant Director – Public Protection
- Richard Woolford, Strategic Security Director

c) Monitoring Officer/coordinator (RMO)

- Alexandra Reid, Personal Assistant and Project Officer to Comptroller and City Solicitor

A training programme was rolled out in February 2018 to ensure that the above staff members who took on the responsibilities to discharge functions under the RIPA Policy and Procedure were familiar with what is required of them.

### **Corporate & Strategic Implications**

4. The existing Policy and Procedure manual will, subject to the proposed update be compliant with legislation and continues to accurately reflect the City of London Corporation's practices.

### **Appendices:**

5. None.

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