

Committee(s)	Dated:
Policy and Resources Committee	18 February 2021
Subject: Regulation of Investigatory Powers (RIPA) Act 2000 – update report	Public
Report of: Comptroller and City Solicitor	For Information
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Summary

1. 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 through Nation Anti-Fraud Network (NAFN); and the use of directed covert surveillance.
2. To ensure that the City Corporation remains compliant with the requirements set by the Investigatory Powers Office of Surveillance Commissioners (IPCO) and the relevant Codes of Practice, this report confirms that no requests under the Regulation of Investigatory Powers Act (RIPA) 2000 have been received since the last report to the Policy and Resources Committee in July 2019.
3. The IPCO recently wrote to all Local Authorities who use RIPA to highlight the importance of safeguarding data obtained using investigatory powers and recommended six 'Data Assurance' actions to be implemented. This work is currently underway.
4. 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. It is recognised good practice to report to members on the use of RIPA.

Recommendation:

Members are asked to:

- Note the report.

Main Report

Background

5. Since the last inspection, the City has not utilised any CHIS or directed surveillance authorisations, albeit two 'NON-CORE function RIPA' managed authorisations were granted as per the RIPA Policy and Procedure (RIPA P & P).

Inspections

6. The City of London Corporation has now been inspected twice, once in September 2015 and then in November 2018. The IPCO recently advised there will changes to the Inspection Framework according to the above-mentioned Data Assurance recommendations, details of which have now been highlighted to all Local Authorities. There will also be an annual inspection which will audit all Investigatory Powers (IPA) Act 2016 communication data requests, processed on behalf of its members. To date there is no date in place for the IPA Communications inspection.

Current Position since the last report to Committee in July 2019

7. *Authorisations*: No requests under the RIPA have been received apart from the two NON-CORE RIPA directed surveillance activities mentioned above. These were two operations where the applications fell outside of RIPA as they were *not* a core function of the authority. However, the applications were processed according to RIPA as our Policy states that we will follow the RIPA procedure for such applications, so we did so for these two cases.
 8. *Changes to Authoring Officers' (AO)*: In November 2020 there were significant changes as follows to the list of Authorising Officers' registered to authorise RIPA applications that are submitted. The changes were as follows and relevant updates made to the RIPA P & P and the City's Intranet pages:
 - Jeremy Mullins, Audit Manager retired so withdrew his capacity as an AO.
 - Marion Afoakwa, Assistant Director of HR
Corporate Change Management took up the position as an AO to back fill this position as above.
 - Richard Woolford, Strategic Security Director stood down as an AO at his request which was granted.
 - There are now 5 AO's (down from 6) on the register. It was felt that due to the very low number of RIPA Applications submitted we have a sufficient number of AOs (on the register) to cover the approval process for applications received.
 9. *Training*: Due to the Authorising Officers' (AO) changes as above and following changes to the IPCO's Inspection Framework, a refresher training programme is being planned and will be rolled out in 2021.
 10. Following changes to IPCO's Inspection Framework, Data Assurance Recommendations and changes to the list of registered AOs, amendments to the wording of the RIPA P & P were completed, a new, secure Microsoft Teams site was created, and necessary actions undertaken by all those involved in RIPA to support compliance.
- ## Conclusion
11. The Corporation continues to be in a good place, especially following the work undertaken in relation to the IPCO Data Assurance Recommendations. We are well equipped to deal with any RIPA requests and authorisations in accordance with legislation and compliance.

Appendices:

- a. None

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