

Committee	Dated:
Policy and Resources Committee – For Approval	21 January 2016
Subject: Regulation of Investigatory Powers Act 2000	Public
Report of: Deputy Town Clerk	For Approval

Summary

The Regulation of Investigatory Powers Act 2000 (RIPA) regulates surveillance carried out by public authorities in the conduct of their business. In particular it regulates the use of powers to intercept communications data, and provides a framework for the authorisation and oversight of directed surveillance and the use of covert human intelligence sources. It applies to the City Corporation in its capacity as a local authority

In September 2015, the Office of Surveillance Commissioners inspected the City Corporation’s process and procedure for ensuring compliance with RIPA. The inspector concluded that the City Corporation is keen to set and maintain 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 of the recommendations have been accepted and acted upon. The proposed amendments to the Policy and Procedure manual are presented here for Member approval.

To ensure that the City Corporation remains compliant with the requirements set by the Office of Surveillance Commissioners, this report also sets out the City Corporation’s use of RIPA since the last update to this Committee. One authorisation, for mobile communications data, has been sought and approved, in accordance with the City Corporation’s Policy and Procedure.

Recommendations

Members are asked to:

- Note the report.
- Approve the amended version of the City Corporation’s Policy and Procedure manual at Appendix 1(circulated as a separately bound document).
- Approve a proposal to change the frequency of reporting of RIPA uses to this Committee from quarterly to six monthly.

Main Report

Background

1. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates surveillance carried out by public authorities in the conduct of their business. In particular it regulates the use of powers to intercept communications data, and provides a framework for the authorisation and oversight of directed surveillance and the use of covert human intelligence sources. It applies to the City Corporation in its capacity as a local authority.
2. The City Corporation has maintained appropriate policies, procedures, operation and administration since the legislation was introduced. A Policy and Procedure manual is maintained, to assist both applicants and Authorising Officers in the handling of RIPA matters.
3. The last significant review of the Policy and Procedure manual was approved by the Policy and Resources Committee in February 2013. Since this date, periodic updates have been submitted to this Committee in respect of any necessary revisions to the manual, and in relation to any authorisations that have been received by the RIPA Monitoring Officer.
4. The City Corporation remains a very infrequent user of RIPA powers, predominantly within the Trading Standards and Internal Audit Sections.

Current Position: Inspection by the Office of the Surveillance Commissioners

5. In September 2015, the Office of the Surveillance Commissioners undertook an inspection of the City Corporation to ensure compliance with RIPA provisions. The inspection was carried out by the Assistant Surveillance Commissioner, Sir David Clarke, who was accompanied by His Honour Brian Barker QC, and an Inspection Support Officer. Sir David checked whether the recommendations from the previous inspection (September 2012) had been fully implemented, reviewed the Policy and Procedure manual, and examined the documentation relating to authorisations that had taken place since the previous inspection.
6. The key conclusions were:
 - That the recommendations from 2012 had been addressed and discharged;
 - That, despite making very limited use of its powers, the City Corporation understands that there is still a need for proper systems to be in place to ensure that powers are lawfully exercised, and
 - That the City Corporation is keen to set and maintain high standards and has a sound RIPA structure, with good policies and procedures.
7. The report made three recommendations, all of which have been accepted:
 - Recommendation 1: Revisions to the Policy and Procedure manual. Sir David noted that the Policy and Procedure Manual is “generally clear and comprehensive”, but that some changes and revisions are required for “accuracy and added clarity”, and for legislative changes since the manual

was drafted. Appendix 1 (circulated as a separately bound document) shows a number of suggested amendments to the manual, responding to points made in the inspection report, and to other issues raised by Sir David during his interviews with officers. These amendments were presented to the Chief Officer Summit Group in December 2015. The Policy and Resources Committee is asked to approve these changes.

- Recommendation 2: Authorisations and other forms to be sent to the RIPA Coordinator to maintain oversight and ensure procedural compliance. A revised procedure note will be issued to remind officers of their responsibilities to ensure that RIPA activity, including applications, authorisations, cancellations, renewals, etc. are communicated at the earliest opportunity to the Monitoring Officer.
- Recommendation 3: Maintain periodic refresher training. A specialist training provider has been engaged to provide refresher training to relevant officers. This training will take place on 2 February.

Recent Authorisations

8. In addition to those functions that fall strictly under RIPA, the City Corporation has adopted RIPA compliant procedures in respect of any covert surveillance undertaken across all City Corporation functions. The National Anti-Fraud Network (NAFN) continues to be used by the City Corporation in respect of authorised access to communications data, and such requests are logged in accordance with the City Corporation’s RIPA procedure.
9. Since the last report to this Committee on the use of RIPA powers, the following authorisation has been sought:

Service area seeking authorisation	Trading Standards
Type of authorisation requested	Access to mobile phone data
Date authorisation granted	20/8/15
Approved/Rejected	Approved
Notes	Joint investigation with City of London Police into possible boiler room fraud

10. Details about the above request are logged appropriately on the RIPA files that are maintained by the City Corporation’s RIPA Monitoring Officer.

Proposal for future reporting

11. The Covert Surveillance and Property Interference Revised Codes of Practice states that, “...elected Members of a local authority should review the authority’s use of the 2000 Act and set the policy on at least a quarterly basis to ensure that it is being used consistently and with the local authority’s policy and that policy remains fit for purpose.” As part of his discussions with officers, Sir David noted the City Corporation’s very low use of RIPA powers and suggested that six

monthly or annual reporting would be more appropriate. Accordingly, it is proposed to amend section 12 of the Policy and Procedure manual to require reports on the use of RIPA-regulated activity to be submitted six monthly rather than quarterly. If this is agreed, the next update to this Committee will be in July 2016.

Conclusion

12. The City Corporation's process and procedure for ensuring compliance with RIPA were inspected in September 2015 by the Office of Surveillance Commissioners. The inspector concluded that the City Corporation is keen to set and maintain 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 of the recommendations have been accepted and acted upon.
13. Since the last update to this Committee, one authorisation for mobile communications data has been sought and approved, in accordance with the City Corporation's Policy and Procedure, as detailed above.

Appendices

- Appendix 1 – Revised Policy and Procedure manual (circulated as a separately bound document) – **FOR APPROVAL**

Background Papers

October 2014: The Committee noted that no requests for authorisation in accordance with RIPA had been submitted in the previous quarter.

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