

Committee(s)	Dated:
Policy and Resources Committee	8 th June 2023
Subject: Regulation of Investigatory Powers (RIPA) Act 2000 update report	Public
Report of: Comptroller and City Solicitor and Deputy Chief Executive	For Information
Report author: Michael Cogher, Comptroller and City Solicitor and Deputy Chief Executive	

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 membership of the National 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 we are required to submit an update report to Members.
3. 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, Deputy Chief Executive. 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

4. Since the last inspection, the City has not utilised any CHIS or directed surveillance authorisations. However, we did process three 'NON-CORE function RIPA' managed authorisations which were granted as per the RIPA Policy and Procedure (RIPA P & P).

Inspections

5. The City of London Corporation has now been inspected three times in September 2015, November 2018 and then in November 2022, albeit, the last inspection was a 'Desktop' inspection due to Covid restrictions at the time. The information provided during two pre inspection meetings, on 17th February 2022 and 18th March 2022, has demonstrated a level of compliance that removed the requirement for a physical inspection.

6. There were no actions from the last inspection in November 2022 but although the three RIPA applications were non-core functions but processed according to our RIPA P & P some feedback was provided in accordance with RIPA and the Code of Practice to assist CoLC with future deployments. The feedback received was considered and discussed with the Corporation's Authorising Officers (AO) and the legal Litigation Team and some of which has been taken on board and included in the updated P & P.
7. The IPCO previously advised there will changes to the Inspection Framework according to the below-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 February 2021

8. *Data Assurance*: The IPCO 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. We reported in our last update report in February 2021 that this work was underway. I can now report that this work was completed, and we are now fully compliant with ensuring data assurance actions are being adequately met. Part of this assurance included the implementation of a bi-annual data/information audit that all departments were required to complete, this exercise will be repeated periodically.
9. *Authorisations*: No Core Function requests to conduct surveillance have been received, however, three NON-CORE RIPA directed surveillance activities have been received in the period, as mentioned above. These were three operations where the applications fell outside of RIPA as they were *not* a core function of the authority and sat outside of the authority's statutory duties. However, the applications were processed according to RIPA as stated in our Policy in order to ensure the highest standards of probity in the use of directed surveillance activity can be maintained, and key risks have been adequately considered, regardless of the area concerned.
10. *Changes to Authoring Officers' (AO)*: Since the last report in February 2021 there have been a number of changes to personnel, and as such some key roles in relation to RIPA responsibilities have been reviewed with the SRO to ensure we maintain our high standards and these have been reflected in the revised Policy, and on the City's RIPA Intranet pages.
11. *Training*: A refresher training program was successfully rolled out in September 2022 and was well attended by 22 officers across the Corporation who are users of, or may need to use, RIPA powers. Following feedback from the IPCO Inspector, training requirements will be continuously reviewed.
12. Following changes to IPCO's Inspection Framework, Data Assurance Recommendations and changes to the list of registered AOs, the RIPA Policy and Procedure has been reviewed, fully updated including with any changes/amendments to legislation and has been made fully accessibility compliant in line with the Equality Act 2010.
13. We are now undertaking an awareness campaign across the Corporation to ensure staff are aware of the requirements of RIPA, the Regulation of Investigatory Powers and have access to the updated P & P.

Conclusion

14. The City Corporation maintains a professional and robust response to its obligations under RIPA and continues to ensure compliance with its legal obligations under the Act.

15. The work undertaken in relation to the IPCO Data Assurance Recommendations, the training program in September 2022 and the review and updating of the RIPA P & P ensures that the City and those officers overseeing compliance with the requirements of the Act are well equipped to deal with any RIPA requests and authorisations submitted.

16. Appendices:

a. None

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