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| Committee | Dated: |
| Audit and Risk Management Committee | 26 January 2016 |
| Subject: Regulation of Investigatory Powers Act 2000 | Public |
| Report of: Deputy Town Clerk | For Information |
| Report Author: Neil Davies – Head of Corporate Performance and Development | |

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. His report is attached at Appendix 1.

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 City Corporation's response is attached at Appendix 2.

Recommendation

Members are asked to note this report

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. The Policy and Resources Committee is responsible for the approval of the manual, and also receives updates in relation to any authorisations that have been received by the RIPA Monitoring Officer.
3. The City Corporation is a very infrequent user of RIPA powers, predominantly within the Trading Standards and Internal Audit Sections.

Inspection by the Office of the Surveillance Commissioners

4. 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. A copy of the inspector's report is attached at Appendix 1.
5. 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
 - That the City Corporation is keen to set and maintain high standards and has a sound RIPA structure, with good policies and procedures.
6. The report made three recommendations, all of which have been accepted:
 - Recommendation 1: Revisions to the Policy and Procedure manual. A number of amendments to the manual have been suggested, responding to points made in the inspection report, and to other issues raised by Sir David during his interviews with officers. The Policy and Resources Committee was asked to approve these changes at its meeting on 21 January.
 - 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.

7. The City Corporation's response to the Office of the Surveillance Commissioners is attached at Appendix 2.

Conclusion

8. 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.

Appendices

- Appendix 1 – Office of Surveillance Commissioners Inspection Report: City of London Corporation – 9th September 2015, under covering letter dated 22 October 2015
- Appendix 2 – City Corporation response

Background Papers: None

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