

Title: **Regulation of Investigatory Powers Act (RIPA) Update**

Wards Affected: **All Wards in Torbay**

To: **Audit Committee** On: **24 January 2024**

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1. Key points and Summary

- 1.1 The Regulation of Investigation Powers Act 2000 (RIPA) governs the use of covert surveillance activities by public authorities.
- 1.2 The Council's policies have been reviewed and updated to ensure they reflect legislation and national codes of practice.
- 1.3 Staff within the Council's RIPA structure have all received training on the requirements of the legislation.
- 1.4 Every three years Torbay Council is suspect to inspection by the Investigatory Powers Commissioner's Officer (IPCO) and our most recent inspection took place in November 2023.

2. Introduction

- 2.1 A Council is a public authority under RIPA 2000. A public authority may carry out covert surveillance where this surveillance is directed and not intrusive and only in relation to an offence for which there could be a custodial sentence of at least 6 months.
- 2.2 Although Torbay Council has not undertaken any main RIPA authorisation since 2008 and has not authorised any requests for communications data since the Trading Standards service transferred to Devon County council, we are still required to ensure that our policies, guidance and staff training are up to date. This ensures that in the event a RIPA authorisation, relevant officers are aware of their responsibilities under the Act.

3. RIPA Update

- 3.1 The Council's main RIPA Policy and Guidance Manual has been subject to a full review and update. Along with a full update of the RIPA officer Structure and associated guidance for staff, this includes guidance for the CCTV team on

handling police requests for surveillance using the Council's CCTV system.

- 3.2 In line with national guidance, we have put in place a policy regarding the use of social media in investigations. This policy provides guidance for staff about how social media content can be used to assist with investigations, but also sets out what is not permitted and what may be considered covert surveillance and therefore require a RIPA authorisation.
- 3.3 All staff within the Council's RIPA Structure all received updated training in November 2023. In addition to this, officers who have an enforcement or investigatory element to their role were also required to undertake this training to ensure they were aware of the legislation and their responsibilities within it.
- 3.4 The Council is also required to hold a central record of RIPA authorisations and while none have been conducted, this record has been updated to ensure that it captures all the relevant information required under the Codes of Practice.
- 3.5 Every three years the Council is subject to an inspection from the Investigatory Powers Commissioner's Office (IPCO). The latest inspection took place virtually in November 2023.
- 3.6 The inspection found that with the policy updates and staff training outlined above, Torbay Council was compliant with the requirements under the Act and we our compliance position will be revisited when our next inspection is due in November 2026.

Joanne Beer
Head of Information Governance