

# FAREHAM

## BOROUGH COUNCIL

### **Report to Audit and Governance Committee**

**Date**                    **16 March 2015**

**Report of:**            **Director of Finance and Resources**

**Subject:**              **OFFICE OF SURVEILLANCE COMMISSIONERS INSPECTION  
REPORT 2014**

#### **SUMMARY**

The Council were inspected by the Office of the Surveillance Commissioners in December 2014 who reviewed our RIPA management arrangements and systems.

The report that we have now received following this inspection is very complementary and highlights that the Council have a good understanding and healthy approach to the use of covert surveillance powers.

#### **RECOMMENDATION**

Consideration be given to any additional training members of this Committee require in relation to the Regulation of Investigatory Powers Act 2000.

## INTRODUCTION

1. The Regulation of Investigatory Powers Act 2000 (RIPA) provides a framework under which investigation activity, which might otherwise be considered to infringe article 8 of the Human Rights Act 1998, may be authorised. The activities available to a Council under RIPA are:
  - (a) Directed covert surveillance of a member of the public;
  - (b) The use of a Covert Human Intelligence Source (CHIS) to gather information from a member of the public; and
  - (c) The acquisition and disclosure of data relating to communications.
2. The Audit and Governance Committee receive monitoring reports on the activities carried out by the Council under this act every 6 months.
3. Activities a) and b) are overseen by the Office of Surveillance Commissioners who carry out a formal inspection of the Council every 3 years. The latest inspection occurred in December 2014 and the report has now been received as attached as [Appendix A](#).

## INSPECTOR'S CONCLUSION AND RECOMMENDATIONS

4. The conclusion of the Inspector was that *FBC's RIPA structure and management remain in excellent good health since the last inspection in 2011* and previous recommendations have been implemented adequately.
5. One new recommendation was made to amend the policy to clarify that if a member of the public gives us information that they have obtained from a relationship that they established or maintained for a covert purpose, even if not tasked to do so by the Council, they could fall under the remit of RIPA. The Council is then required to consider the safety and welfare of the informer as a Covert Human Intelligence Source.
6. This recommendation has been incorporated into version 5 of the Council's RIPA policy which was approved by the Executive in February.

## TRAINING

7. Refresher training on RIPA (and the Data Protection Act) was rolled out to employees, who may be required to carry out investigations, in the latter part of 2014. Member training on RIPA was last provided in June 2011 and covered:
  - What is RIPA and what is its purpose?
  - What investigatory procedures are governed by RIPA, and FBC use in recent years?
  - What is our Policy and what procedures do we follow?
  - What do authorisers need to consider?
  - The consequences of getting it wrong and Media interest.
  - Members' role in overseeing our use of these powers.
8. A refresher training session on RIPA, including the impact of the Protection of Freedoms Act 2012 can be provided to members of this committee if it was felt to be beneficial.

## **RISK ASSESSMENT**

9. There are no significant risk considerations in relation to this report

## **CONCLUSION**

10. The Council's RIPA management arrangements and systems continue to be strong and in accordance with the UK Codes of Practice.

**Background Papers: None**

**Reference Papers: None**

**Appendices – A:** [Office of Surveillance Commissioners Report 2014](#)

### **Enquiries:**

For further information on this report please contact Elaine Hammell. (Ext 4344 )