

**To:** Audit & Governance Committee

**Date:** 26 July 2023

**Report of:** Head of Law & Governance

**Title of Report:** Regulation of Investigatory Powers Act 2000 –  
Surveillance Policy and Procedure Review

## Summary and Recommendations

**Purpose of report:**

To present the revised Regulation of Investigatory Powers Surveillance Policy and Procedure for approval and adoption.

**Key decision** No

**Executive lead member:** Councillor Susan Brown - Cabinet Member for Inclusive Economy and Partnerships

**Policy Framework: Corporate Plan Priority – Enable an Inclusive Economy, Support Thriving Communities**

**Recommendation(s):** That the Committee approves the revised Surveillance Policy and Procedure at Appendix 1 to the report.

## **Appendix 1 – Draft Surveillance Policy and Procedure**

### **Background**

1. The Regulation of Investigatory Powers Act 2000 (RIPA) and the Protection of Freedoms Act 2021 legislate for the use by local authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to and authority's core functions.
2. On 1 September 2017, The Office of Surveillance Commissioners, The Intelligence Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the

Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of covert surveillance by public authorities in the United Kingdom.

### **Use of the Regulation of Investigatory Powers Act 2000 (RIPA)**

3. This report relates to the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period April 2017 to March 2018. The three investigatory powers available to the Council are, directed covert surveillance, the interception of communications data and the use of Covert Human Intelligence Sources. The Council has only ever authorised directed covert surveillance and has not used any of the powers available to it for several years. The Council submitted a nil return to the IPCO in its statistical return for the year 2022.

### **Policy Review**

4. The Council's policy on the use of RIPA powers is overdue for a review, having last been considered in May 2018, and a revised Surveillance Policy and Procedure document is attached at Appendix 1.
5. The changes to the document include:
  - Updated statutory references, names of regulatory bodies and hyperlinks to websites
  - Updates to key roles and post titles
  - Reference to and a hyperlink to the Council's document retention Schedule
  - Included an explanation of how records will be kept
  - Addition of details of who would deal with complaints
  - Addition of detailed guidance about social media monitoring/investigations

### **Legal Implications**

6. There are no legal implications arising directly from this report.

### **Financial Implications**

7. There are no financial implications arising directly from this report.

<b>Name and contact details of author:-</b>
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Emma Griffiths
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Team Leader Lawyer – Corporate & Information Governance
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Tel: 01865 252208 e-mail: egriffiths@oxford.gov.uk
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