

Audit Committee – 21 March 2025

Regulation of Investigatory Powers Act 2000

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| Purpose | For Review |
| Classification | Public |
| Executive Summary | This report provides members of the Audit Committee with its annual update on the Council's use of RIPA. It sets out what RIPA is and how it impacts upon the Council. It provides an opportunity for members to ask questions and seek assurance, and to make any recommendations they consider appropriate. |
| Recommendation | That members note the use made by the Council of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) |
| Reasons for recommendation(s) | The Audit Committee is required to be updated on an annual basis as to the Council's use of RIPA, and to make any comments or recommendations as it sees fit. This report ensures that the Committee is so updated in accordance with this requirement. |
| Ward(s) | All |
| Portfolio Holder(s) | Councillor Jeremy Heron – Finance & Corporate |
| Strategic Director(s) | Alan Bethune – Corporate Resources & Transformation |
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Introduction and background

1. The purpose of this report is to provide the Audit Committee with a summary of the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

2. RIPA provides a statutory framework whereby certain surveillance and information gathering activities can be authorised and conducted by the Council in a lawful manner where they are carried out for the prevention and detection of crime and, in some cases, for the prevention of disorder.
3. When the Human Rights Act 1998 came into force in 2000 it made the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR) enforceable in the UK.
4. Article 8 of the ECHR provides that individuals have the right to respect for private and family life and Article 6 of the ECHR provides that individuals have the right to a fair trial.
5. The use of covert surveillance techniques is considered to be an interference with this Article 8 right and therefore RIPA provides a framework to render lawful surveillance activities which might otherwise be in breach of the ECHR. It is also aimed at ensuring that evidence obtained against a person to be used in criminal proceedings is obtained in a fair manner.
6. RIPA regulates three surveillance techniques available to local authorities, namely:
 - a. Directed surveillance - covert surveillance which is carried out as part of a specific investigation and is likely to involve the obtaining of private information about the person under investigation;
 - b. Covert Human Intelligence Sources (CHIS) – use of a person who establishes and maintains a relationship with the person under investigation to obtain and disclose information; and
 - c. The acquisition and disclosure of communications data - obtaining information from communication service providers (e.g., the postal service, telephone companies and internet companies) about the use made of a service (e.g., itemised billing, internet connections or records of registered post) and user information (e.g., subscriber names, addresses or other customer information).
7. RIPA provides that the above activities may be authorised by local authorities but must be necessary and proportionate and subject to specific procedural requirements including making an application to approve the authorisation to the Magistrates' Court.

The Council's use of RIPA

8. The Council rarely used its powers under RIPA. The Council has not authorised any surveillance activities under RIPA since the last report to the Audit Committee in January 2024, and members will note that no activity was recorded in the year before January 2024. When undertaking enforcement activity the Council will use open, overt surveillance if required which is not subject to the RIPA provisions,

and will use other methods of obtaining evidence which again are not subject to the requirement of RIPA authorisation.

Corporate plan priorities

9. The lawful and appropriate authorisations and an understanding of the RIPA framework supports the maintenance of an efficient and effective Council.

Options appraisal

10. Members of the Committee are required to be updated annually regarding the use of RIPA. The alternative to a public report to the Committee would be an informal update for members, however this would not support good governance and transparent reporting, and so this public reporting approach has been taken.

Financial and resource implications

11. There are no financial or resourcing implications arising directly from this report.

Legal implications

12. The legal requirements to obtain authorisations are set out in the body of this report.
13. The Investigatory Powers Commissioner's Office (IPCO) provides independent oversight of the use of investigatory powers by public authorities and the Council was most recently subject to a remote assessment in 2022.
14. In accordance with Council policies training of relevant officers will need to take place during 2025/26. Where a RIPA investigation is contemplated, the relevant officers are required to contact Legal Services in advance so that specific advice can be provided relevant to that case. This ensures compliance with the legal requirements.

Risk assessment

15. No formal risk assessment has been required before the preparation of this report.

Environmental / Climate and nature implications

16. Enforcement activities to promote and protect the environment are undertaken by the Council but have not required the use of covert surveillance which would mean that RIPA authorisation would be needed.

Equalities implications

17. There are no equalities implications arising directly from this report.

Crime and disorder implications

18. The Council's use of RIPA relates to the prevention and detection of crime and, in some cases, the prevention of disorder. It is essential the Council complies with RIPA if covert surveillance techniques are used to prevent legal challenge and ensure that evidence obtained is admissible in criminal proceedings. As stated above, the Council rarely uses its powers under RIPA.

Data protection / Information governance / ICT implications

19. The RIPA is designed to ensure that individual's rights to privacy are protected and interference with Article 8 rights under the EHCR are only interfered with by way of specific authorisation and in very specific cases. The Council's use of RIPA and understanding of the requirements supports the protection of individual rights.

New Forest National Park / Cranborne Chase National Landscape implications

20. There are none applicable arising from this report.

Conclusion

21. Members are requested to consider the contents of this report and ask questions of the officers at the meeting if required to clarify any aspects of RIPA that they wish to discuss and make any suggestions as to the subject matter.

Appendices:

None

Background Papers:

None