

**Classification: Public**

**Key Decision: No**

## **Gravesham Borough Council**

**Report to:** Leader of the Executive  
**Date:** 8 December 2023  
**Reporting officer:** Sarah Parfitt, Director (Corporate Services)  
**Subject:** Regulation of Investigatory Powers (RIPA) Policy

### **Purpose and summary of report:**

To present proposed updates to the council's policy for undertaking covert surveillance, referred to as the RIPA Policy.

### **Recommendations:**

1. That the Leader of the Executive, as Portfolio Holder, approves the updated Regulation of Investigatory Powers (RIPA) Policy for the council.

<b>Key Implications:</b>	
<b>Item</b>	<b>Implications</b>
<b>Legal</b>	<p>In order to carry out surveillance activities the council must comply with the Regulation of Investigatory Powers Act 2000 ('RIPA'), as amended by the Protection of Freedoms Act 2012. Having an up to date policy ensures compliance with these statutory regimes and empowers the Council to actively investigate matters such as illegal tobacco sales.</p> <p>Compliance with statute is monitored by the Investigatory Powers Commissioner's Office (IPCO) as the independent regulator for use of investigatory powers.</p>
<b>Finance and Value for Money</b>	<p>The implementation of this revised policy will have no cost implications.</p>
<b>Corporate Plan</b>	<p><b>One Council:</b> a well-run and innovative authority, defined by its skilled and valued workforce, committed to developing its local social impact.</p> <p><b>Corporate compliance:</b> a responsible organisation, ensuring all constitutional, policy and legislative demands are met, and pro-active risk management practices adopted.</p>
<b>Climate Change</b>	<p>There are no direct Climate Change implications associated with the decision recommended in this report.</p>

## 1. Introduction

- 1.1 The Council has a number of options available to it when investigating and prosecuting offences, the vast majority of investigation techniques are overt. There may be times however when it is necessary to undertake covert investigations. The use of such techniques is governed by the Regulation of Investigatory Powers Act (RIPA) 2000, as amended by the Protection of Freedoms Act 2012.

## 2. RIPA Policy

- 2.1 The council does currently have a RIPA Policy which was last reviewed and updated in 2015.
- 2.2 Whilst there have not been any significant changes to statute since 2015, it is recognised that the intervening period has seen an increased use of the internet and social media in surveillance activity. Additionally, opportunity has been taken to refresh the policy, increase alignment with the arrangements at Medway Council as they relate to the shared Legal Service and ensure that officers named remain current.
- 2.3 The policy has been specifically amended with the insertion of additional information at paragraphs 1.5.7 and 1.6.5 responding to use of social media as a surveillance tool and what considerations should be taken into account when doing so.
- 2.4 The RIPA Policy has been considered by the Information Governance Strategy Group and Management Team prior to being presented to the Leader of the Executive for approval.
- 2.5 The RIPA Policy is presented at Appendix One for approval.

## 3. Appendices

- 3.1 The following documents are to be published with the report:
  - 3.1.1 Appendix One – RIPA Policy

## 4. Background Documents

- 4.1 The following background documents were used:
  - 4.1.1 Medway Council RIPA Policy

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<b>Secondary Implications</b>	
<b>Risk Assessment</b>	Failure to maintain an effective and current covert surveillance policy provides clarity to council officers when considering surveillance activity of any type. If the policy is not updated there is a risk that the council could be liable for compensation should a successful complaint to the tribunal be made.
<b>Data Protection Impact Assessment</b>	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a> ?  A definition of each type of data can be found on the Information Commissioner's Office website via the above links.  No
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?  N/A
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a> .  N/A
<b>Equality Impact Assessment</b>	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.  N/A
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.  N/A
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
<b>Crime and Disorder</b>	Maintenance of the RIPA Policy ensures clarity of the council's arrangements and compliance with current statute.
<b>Digital and website implications</b>	The RIPA Policy will be made available on the council website.
<b>Safeguarding children and vulnerable adults</b>	No direct implications.