

Committee: Standards Committee

Date: 23 October 2014

Wards: All

Subject: Regulation of Investigatory Powers Act Authorisations

Lead officer: Karin Lane, Head of Information Governance

Lead member: Independent Chair of the Standards Committee

Contact officer: karin.lane@merton.gov.uk

Recommendations:

- A. That members note the purposes for which investigations have been authorised under the Regulation of Investigatory Powers Act (RIPA) 2000.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform members about investigations authorised since June 2014 under RIPA.

2 DETAILS

- 2.1. The council has a number of statutory functions that involve officers investigating the conduct of others with a view to bringing legal action against them. These functions include investigating anti-social behaviour, fly tipping, noise nuisance control, planning (contraventions), benefit fraud, contraventions of trading standards, licensing and food safety legislation.
- 2.2. Whilst the majority of investigations are carried out openly, some investigations must be carried out using covert surveillance techniques or involve the acquisition of communications data. Communications data is information about the times of calls or internet use and the location and identity of the callers, but not the content of the calls or details of the websites viewed.
- 2.3. RIPA regulates the authorisation and monitoring of these investigations to safeguard the public from unwarranted intrusion of privacy.
- 2.4. With effect from 1 November 2012, the Protection of Freedoms Act 2012 requires local authorities to obtain the approval of a magistrate for the use of covert surveillance.
- 2.5. In line with the revised Code of Practice, reports detailing the use of RIPA are submitted to Standards Committee on a quarterly basis.
- 2.6. Since June 2014, covert surveillance has been authorised on three occasions, with no requests refused by the magistrates court. All three requests were for Trading Standards. One was for age related sales of DVDs in charity shops. Four sales were made which resulted in training of the charity shop staff by Trading Standards. The other two requests were for age related sales for cigarettes and alcohol. One investigation is still on-going and the other resulted in no sales.

- 2.7. Since June 2014, there have been no requests for CCTV footage for RIPA investigations.
- 2.8. The boroughs of Sutton, Richmond and Kingston have not undertaken any RIPA investigations this financial year.
- 2.9. It was suggested that the council's CCTV vehicles be parked overnight in crime hotspots. However it is likely that this type of data collection would breach the third Data Protection Principle, as it would be considered excessive to be filming everyone in the chosen area whilst waiting for a crime to happen. It should be noted that if CCTV vehicles that were overtly signed and were parked in crime hotspots, they may be subject to unwanted attention or vandalism as they would be unstaffed at those times.
- 2.10. No RIPA authorisations have been rejected by the Magistrates Court.
- 2.11. Since June 2014, no applications have been made for the acquisition of communications data.

3 ALTERNATIVE OPTIONS

- 3.1. The report is for information only.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. No consultation has been undertaken regarding this report.

5 TIMETABLE

- 5.1. N/A.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. All investigation using covert surveillance techniques or involving the acquisition of communications data is in line with the Regulation of Investigatory Powers Act 2000.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. RIPA was introduced to regulate existing surveillance and investigations in order that they meet the requirements of Article 8 of the Human Rights Act. Article 8 states:

1) Everyone has the right for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. RIPA investigations are authorised for the prevention or detection of crime or the prevention of disorder.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1. None.

12 BACKGROUND PAPERS

12.1. None.

This page is intentionally left blank