

**DERBYSHIRE COUNTY COUNCIL**

**AUDIT COMMITTEE**

**21 July 2016**

**Report of the Assistant Director of Finance (Audit)**

**REGULATION OF INVESTIGATORY POWERS ACT**

**1. Purpose of the Report**

To provide Members with an update on the use of Council's statutory powers provided for under the Regulation of Investigatory Powers Act (RIPA) 2000 and information on changes regarding access to communications data.

**2. Information and Analysis**

In discharge of this Committee's responsibilities for on-going monitoring of activity in this area, Audit Services were requested to produce regular monitoring reports on activity for review by Members and to provide an assurance on the effective operation of the County Council's Policy relating to the Act. This is the eleventh monitoring report produced under that requirement and covers the period from 19<sup>th</sup> September 2015 to 30<sup>th</sup> June 2016.

*Access to Communications Data*

One application has been made in this period in respect of access to communications data.

*Authorization of Directed Surveillance*

No applications have been received in this period in relation to directed surveillance.

A working group is carrying out the necessary review to update the Authority's RIPA Policy following changes necessitated by the Data Retention and Investigatory Powers Act 2014. The Council now uses the National Anti-Fraud Network's Single Point of Contact services to acquire communications data under RIPA, if approved by a magistrate. A further report will be brought to this Committee when the review has been completed.

### **3. Legal Considerations**

The Regulation of Investigatory Powers Act 2000 regulates the use of a range of investigative powers by a variety of public authorities. It provides a statutory framework for the authorization and conduct of certain types of covert surveillance. Its aim is to provide a balance between preserving a person's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action. Local authorities can only use these powers for the prevention and detection of crime and their use is subject to review by independent inspectorates.

### **4. Other Considerations**

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

### **5. Officer's Recommendations**

That the Committee note:-

- 5.1 that in the period 19<sup>th</sup> September 2015 to 30<sup>th</sup> June 2016 one application was made under the Authority's powers relating to RIPA,
- 5.2 the changes to arrangements to access communications data and the requirement to amend the Authority's RIPA Policy.

**Carl Hardman**  
**Assistant Director of Finance (Audit)**