
Regulation of Investigatory Powers Act 2000 Bi-Annual Performance Report July 2024 – December 2024

Governance and Audit Committee

Decision to be taken by: Committee Members

Date of meeting: 24 March 2025

Lead director: Kamal Adatia

Useful information

- Ward(s) affected: All
- Report author: Vanessa Maher-Smith – Principal Lawyer - Information Governance & Risk and Data Protection Officer
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- Report version number: 1.0

1. Summary

- 1.1 The report advises on the performance of the Council in authorising Regulatory Investigation Powers Act (RIPA) applications from 1st July 2024 to 31st December 2024.
- 1.2 The report provides an update in relation to the Council's Surveillance Policy.

2. Recommended actions/decision

- 2.1 Receive the Report and note its contents.
- 2.2 Approve the proposed amendments to the Council's Surveillance Policy.
- 2.2 Make any recommendations or comments it sees fit either to the Executive or to the City Barrister and Head of Standards.

3. Scrutiny / stakeholder engagement

N/A.

4. Background and options with supporting evidence

- 4.1 The Regulation of Investigatory Powers Act (RIPA) enables the Council to use covert surveillance; covert human intelligence sources (CHIS); and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence.
- 4.2 There are various criteria which must be met, including a 'seriousness threshold' for the use of directed surveillance, and any requests by the Council to use the RIPA powers must be approved by a Magistrate, under the current legislation.
- 4.3 The Council has applied for 0 Directed Surveillance Authorisation and 0 Communications Data Authorisations in the second half of 2024.
- 4.4 The Council has submitted its annual data return for 2024 to the Investigatory Powers Commissioner's Office.

4.5 In January/February 2025, the Council was inspected by the Investigatory Powers Commissioner's Office as part of its 3 yearly cycle of inspection, the last one having been conducted in 2022.

4.6 The IPCO wrote to the Council on 26th February 2025 and made some recommendations for improvements to the Council's 'Surveillance Policy' and the 'Guidance on the Use of Social Media Profiles', as follows:

My Inspector noted that the policy documents were well structured and had been updated since the last inspection, however they would benefit from further amendment.

The Covert Human Intelligence Sources (CHIS) section within the 'Guidance on the Use of Social Media Profiles' policy document contains a link titled 'Covert Human Intelligence Sources Code of Practice.' Unfortunately, this links to the Codes of Practice for Covert Surveillance and should be amended.

The 'reviews, renewals, and cancellations of RIPA authorisations' section of the Surveillance policy document requires additional information to ensure that practitioners and authorising officers both understand their responsibilities at review and renewal. Whilst the policy identifies that the applicant must review the authorisation on a monthly basis, it is for the Authorising Officer to conduct and set the frequency of those reviews.

Your policy states that RIPA authorisations are only valid for three months, whilst this is true for Directed Surveillance, the authorisation period for a CHIS is twelve months, and should therefore be expanded to include both covert activities.

4.7 The relevant Policy is the Council's Surveillance Policy which sets out how the Council complies with the relevant legislation and the procedures in place. The Policy is available on the Council's website:

[Surveillance policy](#)

4.8 The Policy was last reviewed in August 2024 and no changes were required.

4.9 The policy has now been reviewed in light of the above recommendations and proposed amendments are set out in red on the document attached as 'Appendix A'.

4.10 Further, since it was last reviewed, the former Head of Information Governance & Risk has left the Council and the role has changed to 'Principal Lawyer – Information Governance & Risk'. As such the Policy requires minor changes to update the job title of the responsible officer. The Policy also refers to the former Audit and Risk Committee, which will need updating to the Governance and Audit Committee.

4.11 A further full review of the Policy will be conducted in August 2026.

4.12 Elected members are expected to have oversight of the council's use of RIPA and to approve the relevant Policy.

4.13 The document referred to as 'Guidance on the Use of Social Media Profiles' is an internal guidance document that is available to officers on the Council's intranet

pages. It is not a Policy document that requires approval of members. However, it has been updated as per the recommendation made.

4.14 The inspection report concludes that:

It must be emphasised that although your Council has not exercised its RIPA powers for some time, it is vital that the relevant staff are appropriately trained should the need to authorise covert activity arise. It is also important that officers engaged in investigatory areas where RIPA considerations are not so immediately apparent, maintain their levels of knowledge and know whom to approach for guidance.

I am satisfied your reply provides your assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, your Council will not require further inspection this year.

I would ask that you ensure the key compliance issues continue to receive the necessary internal governance and oversight through: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

Your Council will be due its next inspection in 2028, but please do not hesitate to contact my Office if IPCO can be of assistance in the intervening period.

4.15 The Council continues to ensure compliance with RIPA as set out above.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no financial implications arising directly from this report, although the Council could incur legal costs should procedures not be correctly followed

Signed: Kirsty Cowell, Head of Finance ext. 37 2377

Dated: 21 February 2025

5.2 Legal implications

There are no legal implications arising directly from this report, although the Council could incur legal costs should procedures not be correctly followed.

Signed: Kamal Adatia (City Barrister and Head of Standards) ext. 37 1402

Dated: 18th February 2025

5.3 Equalities implications

N/A.

Signed:

Dated:

5.4 Climate Emergency implications

N/A.

Signed:

Dated:

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting Information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Climate Change	No	
Crime and Disorder	No	
Human Rights Act	Yes	HRA Article 8 must be considered for all applications
Elderly/People on Low Income	No	
Risk Management	No	

6. Background information and other papers:

None

7. Summary of appendices:

Appendix A – Surveillance Policy with proposed amendments.

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No.

9. Is this a “key decision”? If so, why?

No.