



PO Box 29105, London, SW1V 1ZU

Ms Lorraine O'Donnell
Chief Executive
Cheshire East Council
By email

5 December 2022

Dear Ms O'Donnell,

IPCO Surveillance and CHIS Inspection of Cheshire East Council

Please be aware that IPCO is not a "public authority" for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: info@ipco.org.uk), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.

Your Council was recently the subject of an inspection by [REDACTED], who examined your use of powers under Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) in relation to directed surveillance and CHIS. This process was facilitated by the Senior Responsible Officer (SRO) for RIPA matters, David Brown – Director of Governance and Compliance and Monitoring Officer. Also present was Julie Gibbs - Information Rights Manager and Data Protection Officer (and RIPA Compliance Officer), Josie Griffiths - Head of Audit and Risk, and Rick Hughes – Trading Standards (and RIPA Training).

Cheshire East Council was last inspected during October 2019 which resulted in a number of actions. The most critical of these related to the quality of authorisations granted for directed surveillance; specifically, the need for Authorising Officers to articulate why they believe the proposed surveillance to be necessary and proportionate. I understand that your Council has used RIPA powers to authorise directed surveillance once since the last inspection, and this concerned a test purchase operation concerning the underage sale of prohibited goods. [REDACTED] has examined the application, authorisation and cancellation documents and found them to be of a high standard. [REDACTED] was content with the level of detail provided by the AO and noted that your authority has complied with the guidance contained within paragraph 3.33 of the Covert Surveillance and Property Interference Code of Practice (2018). Further action points concerning the need to update the RIPA policy have been completed, allowing all outstanding action points to be discharged.

With regard to the RIPA and social media policies and the plan to revise them in due course, it is suggested that the following paragraphs be reviewed and amended for clarity:

- 5.11 – it is not just 'good practice' for Council Members to undertake a formal scrutiny role in respect of the use of RIPA powers and corresponding policy, it is a legal requirement, as set out in paragraph 4.47 of the Covert Surveillance and Property Interference Code of Practice (2018).

