

Summary of Changes to RIPA Policy and Procedure

General grammatical changes to wording throughout and reference to Compliance & Customer Relations changed to Information Rights Team in line with change to name of team responsible for RIPA. Version with full tracked changes retained for reference.

Other amendments, including those suggested by Investigatory Powers Commissioner's Office (IPCO)

Page 1

Date of review and version control section. Suggested by IPCO

Page 2, section 1, para 3 - Introduction

Reference to Covert Surveillance and Property Interference Code of Practice (2018) including link.

Page 4, paragraph 3.1 – Directed Surveillance

Addition of 6th bullet - carried out in a manner that is calculated to ensure that the person(s) who is/are subject to surveillance are unaware that it is or may be taking place.

Page 7, paragraph 5.3, last para – Social Networking Sites and other internet sites
Further guidance regarding online investigations policy changed from Internal Audit and Trading Standards to Information Rights Team or internal RIPA trainer.

Page 8, paragraph 5.5 – role of Investigating Officer

Addition of 7th bullet for clarity to include grounds upon which an application can be authorised.

Page 8-9, paragraph 5.6 – role of Authorising Officer

Reference to CHIS Code of Practice (2022) including link, to provide further guidance.

Moved entire section on use of CHIS to paragraph 6.11, more appropriate part of policy.

Page 10, paragraph 5.11 – role of Elected Members

Amended from “good practice” to “legal requirement” for Elected Members to undertake a formal scrutiny role in relation to RIPA/IPA and review the Council’s use of it on an annual basis. Suggested by IPCO.

Page 10, paragraph 6.2 – Document Retention

Addition of regular review of documentation to ensure timely destruction of records. Suggested by IPCO.

Page 12, paragraph 6.8 – Central Record of Authorisations

Amended retention period from three to six years in line with retention of investigation records. Suggested by IPCO.

Deletion of reference to retention of RIPA forms such as those from DWP where CEC are involved in surveillance but not lead officers. Since Benefits moved to DWP, this is no longer likely.

Deletion of reference to urgency or oral provisions as no longer available to local authorities.

Page 14-16, paragraph 6.11 – Sources falling outside CHIS definition
Insertion of section relating to CHIS Code of Practice (2022) providing details of human source activity falling outside CHIS definition. Moved from page 9, paragraph 5.6 and amended to reflect correct wording from updated Code of Practice.

Page 19-20, section 11 – Non-RIPA
Insertion of new section on use of surveillance for investigations relating to legislation breaches which do not meet the six month custodial sentence crime threshold. Suggested by IPCO.

Summary of Changes to Online Investigations Policy

General grammatical changes to wording throughout and reference to Compliance & Customer Relations changed to Information Rights Team in line with change to name of team responsible for RIPA and the Online Investigations Policy. Version with full tracked changes retained for reference.

Other amendments, including those suggested by IPCO

Page 1

Added date of review and version control section.

Page 3, para 2.1 – Legal Framework

Addition of Investigatory Powers Act 2016 (IPA) as some investigations may lead to the requirement for comms data requests.

Page 6, paras 3.6 and 3.7 and Page 8, para 6.2

Wording amended to ensure clear message about one look being acceptable, but more could be considered monitoring. Suggested by IPCO.

Page 8, para 6.3

Wording amended to ensure clear message about befriending and not straying into CHIS. Suggested by IPCO.

Annex One

Deletion of outdated guidance issued by the Chief Surveillance Commissioner and replaced with extract from the Covert Surveillance and Property Interference Code of Practice (2018) relevant to online covert activity. Suggested by IPCO.