

CABINET MEMBER FOR HUBS HERITAGE & ARTS, GOVERNANCE AND SUPPORT SERVICES - CLLR STUART WHEELER

COMMUNITIES, LIBRARIES, HERITAGE AND ARTS

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REFERENCE: HGS-001-14

REPORT ON PROPOSED AMENDMENTS TO THE COUNCIL'S 'RIPA' POLICIES

Purpose of Report

On the 17 January 2012 the council, as a body that may undertake surveillance activities under the Regulation of Investigatory Powers Act 2000 (RIPA), adopted the following policies:

- Wiltshire Council Corporate Policy and Procedures Document on Directed Surveillance (The Regulation of Investigatory Powers Act 2000 (RIPA))
- Wiltshire Council Corporate Policy and Procedures Document on Accessing Communications Data (The Regulation of Investigatory Powers Act 2000 (RIPA))
- Wiltshire Council Corporate Policy and Procedures Document on Covert Human Intelligence Sources (The Regulation of Investigatory Powers Act 2000 (RIPA))

On 1 November 2012 the Protection of Freedoms Act 2012 came into force, changing the RIPA legislative regime. Accordingly, the Legal Services Department has drafted amendments to the policies to reflect the changes. The occasion was also taken to make minor changes to the wording of the policy as suggested by the Office of Surveillance Commissioners, and to update the lists of nominated officers in the appendices. The purpose of this report is to highlight the proposed amendments and seek their approval by cabinet member delegated decision.

The existing policies are robust and the proposed amendments will, in practice, have little impact on the way in which officers exercise their powers under the regime. As such, it is considered appropriate to bring this decision before the responsible cabinet member rather than cabinet itself.

The responsible member has power to decide the matter following a cabinet decision to delegate oversight of the policies. This decision was recorded at minute 8 of the cabinet meeting held on 17 January 2012.

In summary, the changes are as set out below. Changes common to all three policies:

- amendments to reflect the introduction of the judicial approval requirement;
- removal of text relating to 'Urgent Authorisations';

- updated appendices listing the nominated officers; and
- the inclusion of references to a 'RIPA Co-ordinating Officer'.

Changes specific to the communications data policy:

- the inclusion on Appendix 2 of the National Anti-Fraud Network as a provider of Single Point of Contact services.

Changes specific to the directed surveillance policy:

- amendments to reflect the introduction of a 'crime threshold'.

Consultation

N/A

Options Considered

N/A

Reason for Decision

The amendments are necessary to bring the council's policies in line with legislation.

DECISION MADE

To approve the changes as detailed in this report. This decision was published on 28 May 2014 and will come into force on 5 June 2014.

The following supporting documents are attached:

Appendix 1 - RIPA ACCESSING COMMUNICATIONS DATA POLICY
Appendix 2 - RIPA COVERT HUMAN INTELLIGENCE SOURCE POLICY (2)
Appendix 3 - RIPA DIRECTED SURVEILLANCE POLICY (2)

Date: 28 May 2014

Cllr Stuart Wheeler
Cabinet Member for Hubs Heritage & Arts,
Governance and Support Services