

REPORT TO COUNCIL

REPORT OF: NICK GODDARD

REPORT NO. DLS 17

DATE: 24th FEBRUARY 2005

TITLE:	AMENDMENT TO REGULATION OF INVESTIGATORY POWERS ACT POLICY
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	AMENDMENT TO EXISTING POLICY

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	TERL BRYANT COMMUNITY AFFAIRS
CORPORATE PRIORITY:	CORPORATE GOVERNANCE
CRIME AND DISORDER IMPLICATIONS:	SIGNIFICANT IN THAT IT POTENTIALLY ASSISTS IN INVESTIGATIONS GENERALLY
FREEDOM OF INFORMATION ACT IMPLICATIONS:	SUCH IMPLICATIONS LIKELY TO BE SUBJECT TO STATUTORY EXEMPTIONS
BACKGROUND PAPERS:	RIPA AND STATUTORY GUIDANCE

1. INTRODUCTION

The Council's Investigatory procedures have been subject to the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) since its commencement in late 2000. Part 1 Chapter II (section 21 –25 of RIPA) came into force on 5th January 2004. It regulates the acquisition and disclosure of communications data and provides powers for the Council to gain communications information when carrying out investigations. It also regulates information previously gained without regulations, which now has to be authorised.

This report is returned to the Council for consideration as at its last meeting on 27th February it resolved that it should be returned for reconsideration to a future meeting and should include Appendix 1 being a complete set of authorisation forms. These are now included.

2. DETAILS OF REPORT

Due to the introduction of Part 1 Chapter II it has been necessary to revise the previously approved RIPA policy. These revisions have been the subject of internal consultation with relevant enforcement sections of the Council. A revised Draft Policy and Compliance Procedures is enclosed for approval by the Council. The significant changes relate to paragraph 2 of the policy document attached.

Attention should be drawn to pages 8 to 13 of the document. The Council is restricted to subscriber and service use data and even then only for the purpose of preventing or detecting crime and disorder. For example a benefit fraud investigator may be able to get access to an alleged fraudster's mobile phone bills.

The word 'data' in relation to a postal item means anything written on the outside such as an address. Officers at the Council have previously been able to apply for the new address of a person that they were investigating, that is the redirection details. A request form was completed and the post office supplied the information. This activity is now regulated and authorisation needs to be gained.

3. RECOMMENDATIONS

Following the preparation of the amended policy it is now recommended that this is adopted and used for all Council investigations where an authority under the Regulation of Investigatory Powers Act 2000 is required.

4. FINANCIAL IMPLICATIONS

There are no direct financial implication.

4. CONTACT OFFICERS

Nick Goddard, Monitoring Officer