



## **AUDIT COMMITTEE - 16TH OCTOBER 2018**

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000**

**REPORT BY: HEAD OF LEGAL SERVICES & MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To advise Members of the numbers of covert surveillance operations undertaken by the Council in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1<sup>st</sup> July to the 30<sup>th</sup> September 2018.

### **2. SUMMARY**

- 2.1 To provide an update on the number of operations undertaken in accordance with RIPA for the period 1<sup>st</sup> July to 30<sup>th</sup> September 2018.

### **3. LINKS TO STRATEGY**

- 3.1 The Council is under an obligation to comply with legislative requirements - this report helps to achieve that.
- 3.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism for authorising directed surveillance and the use of a covert human intelligence source, which aims to ensure that any interference with the individual's right to privacy under Article 8 of the European Convention is necessary and proportionate, and that both the public interest and the human rights of individuals are protected and as such contributes to the following well-being goals within the Well-being of Future Generations act (Wales) 2015.
- A prosperous Wales
  - A resilient Wales
  - A healthier Wales
  - A globally responsible Wales.

### **4. THE REPORT**

- 4.1 The Regulation of Investigatory Powers Act 2000 (RIPA) sets out strict controls for public authorities wishing to carry out covert surveillance of individual members of the public as part of their exercise of their statutory functions. In addition to the Act, advice and guidance is found within the Codes of Practice issued by the Investigatory Powers Commissioner's Office.
- 4.2 The Authority has a corporate policy, which provides guidance on how surveillance should be used by the relevant officers.
- 4.3 Public Authorities undertaking covert surveillance of individual members of the public are subject to inspection by the Investigatory Powers Commissioner's Office.

4.4 Members are advised that for the period 1<sup>st</sup> July, 2018 to 30<sup>th</sup> September, 2018 there have been three RIPA operations undertaken as follows

4.4.1 Directed Surveillance (the covert surveillance of individuals)

1 relating to the sale of alcohol/e-cigarette liquid containing nicotine to persons under the age of 18 years

1 relating to the sale of alcohol to persons under the age of 18 years.

4.4.2 Covert Human Intelligence Sources

This is the use of either undercover officers or informants who establish or maintains a personal or other relationship with a person for the covert purpose of obtaining information, or access to information or covertly disclosed information obtained by the use of such a relationship. A covert purpose is one calculated to ensure that one of the parties to the relationship is unaware of the purpose.

1 relating to the sale of nitrous oxide.

**5. EQUALITIES IMPLICATIONS**

5.1 None, the report is for information only.

**6. WELL BEING OF FUTURE GENERATIONS**

6.1 This report contributes to the Well-being goals as set out in the Links to Strategy above as compliance with the provisions of RIPA ensures that any interference with an individual's right to privacy under Article 8 of the European convention is necessary and proportionate, and that both the public interest and the human rights of individuals are protected.

**7. FINANCIAL IMPLICATIONS**

7.1 None, the report is for information only.

**8. PERSONNEL IMPLICATIONS**

8.1 None, the report is for information only.

**9. CONSULTATIONS**

9.1 None. The report is for information only.

**10. RECOMMENDATIONS**

10.1 None. Members note the information provided.

**11. REASONS FOR THE RECOMMENDATIONS**

11.1 To ensure compliance with statutory requirements.

## **12. STATUTORY POWER**

### 12.1 Regulation of Investigatory Powers Act 2000.

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