

Body: **AUDIT AND GOVERNANCE COMMITTEE**

Date: **24 September 2014**

Subject: **The Regulation of Investigatory Powers Act and related legislation: update on the authority's usage of its powers**

Report Of: **LAWYER TO THE COUNCIL AND MONITORING OFFICER**

Ward(s) **All**

Purpose **To assist the Audit and Governance Committee in monitoring the authority's usage of its powers under the Regulation of Investigatory Powers Act**

Recommendations: That the Committee note that no applications were made by officers of this authority to engage in activity regulated by the Regulation of Investigatory Powers Act during the quarter leading up to 1 September 2014.

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1.0 Background

1.1 Members will recall that the Audit and Governance Committee has agreed to receive quarterly reports on the authority's usage of its powers to conduct covert surveillance and to access communications data pursuant to the Regulation of Investigatory Powers Act.

2.0 Usage of the powers available to Eastbourne Borough Council to conduct covert surveillance under the Regulation of Investigatory Powers Act

2.1 The quarterly returns compiled for the period 1/06/2014 to 31/08/2014 include the following data:

RIPA applications for the use or conduct of a CHIS:

Nil applications by either EBC or by partner organisations with which the authority is working on relevant matters.

RIPA applications for authorised surveillance:

Nil applications made by either EBC or by partner organisations with which the authority is working on relevant matters.

RIPA applications for communications data use and acquisition:

Nil applications made by either EBC or by partner organisations with which the authority is working on relevant matters.

2.2 The Committee will note that the returns for this quarter are consistent with EBC's infrequent recourse to the powers available to it under RIPA in recent years.

3.0 Update on related legislation and guidance

3.1 While the inevitable tensions between the need for effective law enforcement and the rights of the individual continue to be debated in a range of security-related contexts, those are largely outside the remit of this report.

3.2 While the law in this area remains unchanged, the Information Commissioner last month published a surveillance 'road map', for the first time, in an acknowledgement of the complexity of the law relating to the regulation of surveillance.

http://ico.org.uk/~media/documents/library/Corporate/Practical_application/surveillance-road-map.pdf

As well as clarifying the roles and responsibilities of the bodies involved in overseeing surveillance in the UK, the Surveillance Road Map includes a table showing the avenues available to the public to complain about or challenge any alleged breach of surveillance legislation. Given its potential usefulness to stakeholders, a link to it will be uploaded to the relevant page on EBC's website.

4.0 Consultation

4.1 None.

5.0 Resource Implications

5.1 None.

6.0 Financial

6.1 None.

7.1 Staffing

7.2 None.

8.0 Conclusion

8.1 This report updates the Committee on the authority's arrangements for the usage of its powers to conduct covert surveillance and to access communications data when circumstances merit. The report helps this Committee ensure that the authority applies a robust approach which balances its enforcement responsibilities with the requirement to act at all times in a proportionate and human rights-compliant way.

Victoria Simpson

LAWYER TO THE COUNCIL AND MONITORING OFFICER

Appendices

None

Background Papers:

Previous reports and minutes of this Committee and of Cabinet.

Articles in the Local Government Lawyer.

Resources available from the Officer of the Surveillance Commissioner, from the Information Commissioners Office and from the Interception of Communications Commissioner.