

## Lewes and Eastbourne Councils

## Response to Findings of the Investigatory Powers Commissioner's Office Inspection of 18 December 2019

## 1. IPCO Recommendations

IPCO reference	IPCO recommendation	Council response
5.1.2	Remove reference to the use of urgency provisions from the councils' Central Record of Authorisations	Reference to these provisions has been removed, pursuant to article 4 of, and the Schedule (Part 1) to, the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.
5.1.5	(a) To ensure consistency, update Eastbourne Borough Council's RIPA policy to mirror that of Lewes District Council in respect of CHIS	This amendment has been incorporated into the wider amendments made to EBC and LDC's RIPA policies as described in the next row.
	(b) Update both councils' RIPA policies to provide for– (i) the appointment of 'handler' and 'controller' roles, in cases where a CHIS is authorised;  (ii) how the role of a CHIS differs from a person volunteering information to the Council	1. Amended policies, incorporating these two provisions, were approved at Audit and Governance Committee (EBC) 09.09.20 and at Audit and Standards Committee (LDC) 14.09.20.  2. Identify a suitable CHIS training course and arrange for relevant officers to attend. Co-ordinate with neighbouring authorities as appropriate.  Action: RIPA Monitoring Officer and Counter-Fraud Investigations Manager

		CHIS introductory course booked for 16 November 2021
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## 2. IPCO Observations

5.1.4	Update both councils' RIPA policies with a definition of the four categories of 'confidential information', with emphasis on legal professional privilege. Include the steps to be taken if it is anticipated that such information may be obtained, or if it is obtained in error.	The amended RIPA policies approved by both audit committees in September 2020 (see above) include these provisions.
5.2.7	Ensure that live directed surveillance authorisations are cancelled rather than being allowed to lapse.	The Councils will adopt this procedural step during the next directed surveillance operation.  Action: RIPA Monitoring Officer and relevant Authorising Officer
5.4.4	Update social media guidance to include the requirement, when surveillance is authorised for online enquiries, to maintain a record of <b>covert profiles</b> used, who has responsibility for managing these, and what information is accessed. Objective is to ensure an auditable record	Revise the social media guidance as directed, and require the managers of teams conducting online surveillance (Customer First and Counter-Fraud) to implement these controls.  Action: RIPA Monitoring Officer and Counter-Fraud Investigations Manager.  Counter Fraud have implemented the audit recording process for social media. RIPA Monitoring Officer to liaise with the Customer First Resolution Team Operational Managers and the Head of Neighbourhood

		<p>First to ensure necessary management controls are in place.</p>
<p>5.6.1</p>	<p>Include a short paragraph in both councils' RIPA policies, highlighting their stance on the use of communications data for investigative purposes, as permitted under the Investigatory Powers Act 2016.</p>	<p>1. A stand-alone policy on the acquisition of communications data was approved by both audit committees in September 2020.</p> <p>2. Use existing relationship with NAFN to establish the process and procedures for submitting an application to OCDA, via NAFN, to acquire communications data under the IPA 2016 framework.</p> <p>Action: Counter-Fraud Investigations Manager</p> <p>Process and procedures now confirmed.</p>