



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

05 July 2023

Via email

Dear Chief Executive,

During 2023, your Council is due its usual three-yearly inspection by IPCO, regarding its compliance with RIPA/2000 and the Investigatory Powers Act 2016. Your local authority was last inspected in February 2020.

Following a review of how IPCO conducts its oversight of local authorities, we shall no longer undertake routinely an inspection as has previously been the case. Instead, the Investigatory Powers Commissioner (IPC) has agreed that each local authority should provide a written update, in the first instance, on its compliance with the legislation. This will enable us to assess whether or not a remote, or in some cases, in-person inspection is required. This approach takes cognisance of the general decline in the use of covert powers by many local authorities, and seems the right approach for now, based upon our assessment of risk and where our limited resources are best directed for the coming year.

It is, of course, the responsibility of your authority to ensure that any covert activity is conducted in accordance with the legislation. The IPC expects early notification of any Errors in the use of the powers, which will then be investigated fully. However, generally speaking, if you have not used the powers since your last inspection, and your responses to the questions below assure us of having maintained good levels of compliance, we shall probably require no further engagement. Where the powers have been used, or you are planning to use them in the near future, an appropriate discussion with an Inspector will be arranged in order to help us form a view of the approach you are taking.

In addition, we will conduct a dip sample of in-person inspections during the coming year. This might include your authority, even if you have not used the powers for some time. You will be given sufficient prior notice if this is the case.

IPCO inspector Graham Wright has been allocated your Council to inspect this year. If you wish to discuss anything with them in advance of sending me your response, please let me know so I can provide contact details.

I should be grateful if you would provide me with the following details through a return email. Please ensure that your contact details or those of your Senior Responsible Officer, through whom you might wish to respond, are provided in that reply.

The IPC expects you to have paid ongoing, due regard to the requirements of the legislation and associated Codes of Practice and seeks your written confirmation of the following:

1. Any Areas of Non-Compliance identified at your last inspection have been remedied
2. Your RIPA Policy is subject to annual review and submitted to your Elected Members for approval (please advise when this was most recently revised and shared with Members)
3. Training, both initial and ongoing for key officers, plus awareness training for all staff, is provided (please provide dates since the last inspection)
4. A Central Record that meets the requirements of the relevant Codes of Practice is in place
5. You have a named SRO in place, as well as designated Authorising Officers
6. You have policies and training that appropriately cover the potential or actual use of social media as part of investigations/enforcement activities
7. The potential (for inadvertent, unauthorised) use of such media is actively monitored by managers
8. If you own/manage a town centre CCTV system, that this is operated and appropriately managed in line with RIPA considerations, including when used by third parties such as the local police
9. You are aware of NAFN and how access to communications data is managed through OCDA
10. Your Council has recognised and adheres to the Safeguards outlined in the relevant Codes of Practice in relation to its retention, review and destruction of material obtained through the use of covert powers.

Finally, in relation to use of the covert powers available to you, can you please confirm whether you have:

- Used the powers since the last inspection, or plan to use them imminently (or can envisage doing so following the formation of a new investigative/enforcement team or strategy)
- If you have used the powers, please provide an electronic copy of the relevant applications and authorisations for the Inspector's review when you reply to this letter.

I look forward to hearing from you,

Yours faithfully,

IPCO Secretariat

020 7389 8900