

Action Plan following an IPCO Surveillance and CHIS inspection July 2021

On 21 June 2021 the Council was the subject of a remote inspection by one of IPCO’s Inspectors, Mr Ges Horne. Mr Horne looked at the Council’s powers in relation to directed surveillance and CHIS facilitated through Teresa Halliday, the Service Manager (Legal Services) Teresa Halliday and Jennifer Eves, Director of Human Resources and SRO. The officers were interviewed using video conferencing facilities and provided the supporting documentation requested by the Inspector.

IPCO – Investigatory Powers Commissioner’s Office

RIPA – Regulation of Investigatory Powers Act

CHIS – Covert Human Intelligence Source

SRO – Senior Responsible Officer

IPA – Investigatory Powers Act

Actions	Owner	Date	Completed
<p>RIPA Guidance:</p> <ul style="list-style-type: none"> Amend the chapters covering the acquisition of communications data to reflect those changes to RIPA in 2016 (suggested wording provided by the Inspector); Amend the chapters covering CHIS applications to include a link to the CHIS Code of Practice; Align policy with IPCO action points on the retention, recovery and destruction (RRD) of material acquired under RIPA and the IPA following Strategic Enforcement Team consideration (see Data Assurance below) 	TH	End of August 2021	19 August 2021 19 August 2021
<p>CHIS Process:</p> <ul style="list-style-type: none"> Ensure Home Office approved forms are used for conducting reviews (already available via a link in the Guidance); Amend process to ensure a risk assessment is conducted in accordance with paragraph 6.13 of the CHIS Code of Practice Send a briefing note to all AO’s with the learning and advising them of the necessary protocols. 	TH/JE	End of August 2021	19 August 2021

<p>Training:</p> <ul style="list-style-type: none"> • Arrange for refresher training on RIPA or all authorising officers and those officers more likely to engage RIPA powers 	TH	End of December 2021	Training booked for 08 October 2021
<p>Social Media:</p> <ul style="list-style-type: none"> • Introduce a framework that tracks open research conducted during investigations on social media sites to ensure that online activity in connection with enforcement or investigative functions is recorded and periodically scrutinised for oversight purposes 	TH/JE/Strategic Enforcement Forum	April 2022	
<p>Data Assurance:</p> <ul style="list-style-type: none"> • Consideration to be given to RRD in respect of material acquired under RIPA and IPA and create additional guidance on this subject and/or amend current data protection policies to reflect such material. In so doing, consider the following actions; <ol style="list-style-type: none"> 1) Review the safeguarding obligations in the relevant Code of Practice for any powers used by your authority. 2) Ensure that internal safeguard policies for retaining, reviewing and disposing of any relevant data are accurate and up-to-date. 3) Ensure that the authorising officer for your authority has a full understanding of any data pathways¹ used for RIPA or IPA data. 4) Ensure that all data obtained under IPA and RIPA is clearly labelled and stored on a data pathway with a known retention policy. 5) Review the wording of safeguards in any applications to obtain data under IPA and RIPA and ensure that they accurately reflect the retention and disposal processes at your authority². 	TH/JE/Strategic Enforcement Forum	April 2022	

¹ For example, directed surveillance data may be simultaneously stored on several data pathways: Pathway one – CCTV video product is transferred onto a CD and kept in a secure cabinet; Pathway two – a copy of the video is sent via email and stored on a common storage drive; Pathway three – a copy of the video is received via email and saved in an Outlook folder by a legal officer; Pathway four – a copy of the video is received via email and stored in a password protected evidential casework folder by a legal officer.

² For example, if all data will be retained for a set number of years this should be stated in your application, or the application should refer to the internal safeguards policy document.

6) Review whether data obtained under previous authorisations is being retained for longer than is necessary and, if appropriate, consider disposing of retained data.			
Reporting to elected members; <ul style="list-style-type: none"> PH Governance to be briefed and advised of our RIPA policy and action plan and update other Cabinet members. PH Governance to receive quarterly updates on action plan (or more regularly as required on an exception basis) Complete an annual report to PASC (Aim for quarter 4 meeting each year) 	TH/JE	Sept 2021 (PH/Cabinet members) Schedule into PASC (quarter 4 meeting)	
The actions below are not directly a result of the Inspection, but part of our on-going assurance of effective practice			
Review of non RIPA reporting and guidance <ul style="list-style-type: none"> To conduct a review of non RIPA guidance and forms to ensure activity is being effectively captured and documented. 	TH/JE/Strategic Enforcement Forum	April 2022	
Authorising officer: <ul style="list-style-type: none"> Appoint a further Authorising Officer and provide them with training for the role. 	TH/JE	December 2021	Appointed and booked to attend training on 08 October 2021
Communications: <ul style="list-style-type: none"> Communicate the outcome of the inspection and the changes to members of the strategic enforcement forum. 	TH/JE	September 2021	