

CABINET

Report of: Head of Legal and Democratic Services

Date: 17th May 2021

Cabinet Portfolio: Leader

Regulation of Investigatory Powers Act 2000

Purpose

To review Pembrokeshire County Council's use of the Regulation of Investigatory Powers Act 2000 and set the policy.

Background and Context

The Regulation of Investigatory Powers Act 2000 (the 2000 Act), the Investigatory Powers Act 2016 (the 2016 Act) and the Covert Surveillance and Property Interference and Covert Human Intelligence Sources Codes of Practice (the Codes), collectively referred to as RIPA, impact upon activities undertaken by the Council during the discharge of Council functions when Article 8 of the Human Rights Act 1998- the right to a private life, might be engaged covertly. This might typically be where officers undertake covert surveillance as part of their enforcement duties.

The legislation and associated codes of practice in relation to RIPA provide a legal framework, with external oversight by the Investigatory Powers Commissioner's Office (IPCO).

Main Issues

The Codes include provision that:-

'Elected members of a local authority should review the authority's use of the....Act and set the policy at least once a year. They should consider internal reports on use of... the Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose'

Whilst there has been no use made of the available powers under RIPA since the last inspection by IPCO in 2019, the Council's RIPA policy has been reviewed and a copy of the draft is attached at Appendix 1 to this report.

Comments by Director of Resources

There are no financial issues arising from this report.

Comments by Head of Legal and Democratic Services

The legal issues are set out in the report.

Comments by Chief HR Officer

There are no human resources issues arising from this report.

Impact Assessment

The report and draft policy has been considered against the five ways of working (long term, prevention, integration, collaboration, involvement) in the Well-being of Future Generations sustainable development principle.

The report and draft policy is unlikely to make a particular contribution to the Well-being goals.

The report and draft policy is unlikely to impact on any groups as defined within the Equality Act 2010.

The report and draft policy will be available in Welsh in view of the Council's obligations with reference to the Welsh Language Standard Regulations 2015.

RECOMMENDATION:

That Cabinet approve the Council's RIPA policy as attached at Appendix 1 to this report.

REASON FOR RECOMMENDATION:

In compliance with RIPA

Background Documents: None