

USE OF REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

SUMMARY

1. This report provides an update to the Authority on the use of powers under the Regulation of Investigatory Powers Act (RIPA) 2000 in 2017.

RECOMMENDATIONS

2. Members are assured appropriate arrangements are in place should use of the powers under the Regulation of Investigatory Powers Act (RIPA) 2000 be necessary.

REPORT DETAIL

3. The RIPA Act 2000 provides a framework for the control and supervision of investigatory powers exercised by specified public bodies, including Humberside Fire and Rescue Service, in order to balance the need to protect the privacy of individuals, particularly in light of Article 8 of the Human Rights Act 1998 - "there shall be no interference with the right to respect for private and family life except as is necessary ...". RIPA provides a statutory basis for the procedure, authorisation and use of covert surveillance, agents, informants and undercover officers. It regulates the use of these techniques and safeguards individuals from an unnecessary invasion of their privacy.
4. In common with the vast majority of Fire and Rescue Services, Humberside has not had recourse to covert surveillance and hence the use of RIPA. This is because enforcement work is undertaken overtly and under other legislation including the Fire and Rescue Services Act 2004 and Regulatory Reform (Fire Safety) Order 2005. That said, as powers have been granted under RIPA, the Authority needs to have a framework in place should it ever need to rely on RIPA as part of any enforcement or potential enforcement activities. Part of the Codes of Practice that accompany the legislation suggests that the Fire Authority should receive a periodic report on activity. As the reporting year to the Investigatory Powers Commissioner's Office (IPCO) is January to December, it is timely to report activity for 2017 to the Authority now. In keeping with previous years, there have been no requests for covert surveillance and no use of RIPA during 2017. A nil return has been made.
5. The Authority might also like to note that in January 2015 the (then) Office of the Surveillance Commissioners undertook an assessment of arrangements for dealing with requests under RIPA. This was followed up in November 2017 when its successor body (IPCO) asked for a progress update on the earlier recommendations. While comprehensive details have been provided on the current arrangements and future areas of work, no feedback has been received at this stage and so it is unclear as to whether the IPCO will want to undertake a full inspection.

STRATEGIC PLAN COMPATIBILITY

6. This report supports good governance arrangements, which is an enabler for the Strategic Plan.

FINANCIAL/RESOURCES/VALUE FOR MONEY IMPLICATIONS

7. Although powers under RIPA have never been used, it is a requirement that training and levels of awareness are maintained, which has a financial implication.

LEGAL IMPLICATIONS

8. Compliance with RIPA is a statutory duty.

EQUALITY IMPACT ASSESSMENT/HR IMPLICATIONS

9. None arising directly.

CORPORATE RISK MANAGEMENT IMPLICATIONS

10. None arising directly.

HEALTH AND SAFETY IMPLICATIONS

11. None arising directly.

COMMUNICATION ACTIONS ARISING

12. None arising directly.

DETAILS OF CONSULTATION AND/OR COLLABORATION

13. None arising directly.

BACKGROUND PAPERS AVAILABLE FOR ACCESS

14. None

RECOMMENDATIONS RESTATED

15. Members are assured appropriate arrangements are in place should use of the powers under the Regulation of Investigatory Powers Act (RIPA) 2000 be necessary.

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