



ISLINGTON

Finance Department
222 Upper Street, London N1 1XR

Report of: Director of Finance

Meeting of	Date	Agenda Item	Ward(s)
Standards Committee	17 October 2006	5	-

Delete as appropriate	Non exempt	
-----------------------	------------	--

Subject: Regulation of Investigatory Powers Act

1. Synopsis

- 1.1 This report sets out the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) and indicates how Islington is complying with the Act's requirements.

2. Recommendation

- 2.1 That the committee note the contents of the report.

3. Background

- 3.1 The main purpose of RIPA was to ensure that relevant investigatory powers are exercised in accordance with the Human Rights Act and the European Charter of Human Rights.
- 3.2 The Director of Corporate Resources has issued procedural guidance, in respect of legislation, to those areas within Islington that may be engaged in activity covered by RIPA and this was updated last year.
- 3.3 Islington is legally bound by the terms of RIPA; one of which is to maintain a central register of authorisations to conduct directed or intrusive surveillance, or to instruct the use of covert human intelligence source. The register is maintained by Internal Audit and has been in operation since April 2003.
- 3.4 Internal Audit undertake an annual review to verify that the register is an accurate record of the work being carried out by the service areas within Islington that involve an element of surveillance work. Furthermore, this year's review sought to confirm that the correct

documentation, properly completed and authorised was used and to ensure that the required statutory deadlines were met.

4 Findings

- 4.1 The central register was found to be an accurate record of surveillance work carried out by Islington in 2005/06, except for one area, where some applications and cancellations were not notified to the central register.
- 4.2 Every application detailed the reason why the surveillance was considered necessary and proportionate and described the nature of the surveillance required.
- 4.3 Some instances were found where the application had been authorised by a senior officer but had not been countersigned by the Assistant Director for the service
- 4.4 Training of the personnel involved in the process was considered inconsistent and needed to be formalised.
- 4.5 Internal Audit recommendations, following this review, have been accepted and implemented by management within the relevant service areas.
- 4.6 A training session has been organised for all relevant staff in January 2007 which will be addressed by a leading Counsel who specialises in this area.

5. Conclusion and reason for recommendation

- 5.1 In general, the requirements of RIPA are being met. Officers, however, need to remain vigilant in ensuring that reporting and monitoring requirements are adhered to.

6. Implications

6.1 Financial Implications

- 6.1.1 There is no provision within existing departmental budgets should a claim be made against the Council for a major breach or non-compliance with the legislation. If successful, any such claim would have to be met from existing departmental funds.

6.2 Legal Implications

- 6.2.1 Covert surveillance undertaken by officers of the Council or private investigators employed by the Council must be authorised. The authorising officer must be satisfied that the surveillance is proportionate and that the subject's Article 8 right to respect for private and family life will not be breached.
- 6.2.2 If covert surveillance is not validly authorised, the Council could face a claim for damages for misuse of powers and infringement of Article 8 rights.
- 6.2.3 The Council will often seek to rely on the evidence gathered from covert surveillance to secure a successful prosecution. If the covert surveillance has not been validly authorised, it would open a court to reject the evidence.

6.3 Equality Implications

6.3.1 All individuals who are the subject of this activity are entitled to be treated in accordance with the Articles enshrined within the European Convention of Human Rights

Final Report Clearance

Signed by: Mike Curtis, Director of Finance

Date: 5 October 2006

Report Author: Jim Hodges, Chief Internal Auditor

Background Papers: Internal Audit Report

Date: 5 October 2006