

STROUD DISTRICT COUNCIL

AUDIT AND STANDARDS COMMITTEE

19 JULY 2022

Report Title	Use of the Internet and Social Media in Investigations and Enforcement Policy			
Purpose of Report	To present the Audit and Standards Committee with a new Use of the Internet and Social Media in Investigations and Enforcement Policy, for approval and adoption, to reflect the Investigatory Powers Commissioner's Office guidance and recommendations that Councils should implement policies and procedures in this area.			
Decision(s)	The Committee RESOLVES to: a) Approve and adopt the Use of the Internet and Social Media in Investigations and Enforcement Policy as attached at Appendix 1; b) Authorise the Monitoring Officer to approve future minor amendments to the Policies in consultation with the Counter Fraud and Enforcement Unit.			
Consultation and Feedback	The Policy was subject to consultation with the Senior Leadership Team and One Legal.			
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Options	None. The CFU is a specialist criminal enforcement service working with the Gloucestershire Local Authorities, West Oxfordshire District Council and a number of other public sector bodies such as social housing providers.			
Background Papers	Audit and Standards Committee - Regulation of Investigatory Powers Act (RIPA) 2000 / Investigatory Powers Act (IPA) 2016 Report April 2021.			
Appendices	Appendix A - Use of the Internet and Social Media in Investigations and Enforcement Policy.			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	Yes	Yes	Yes	No

1. INTRODUCTION / BACKGROUND

- 1.1. The Counter Fraud and Enforcement Unit was tasked with reviewing and developing the Council's policy and procedures on accessing the internet and social media for investigations and enforcement purposes.
- 1.2. The Council's Policies are based on the legislative requirements of the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and the Codes of Practice relating to directed surveillance, the use of covert human intelligence sources and the acquisition of communications data. Attached at Appendix 1 is a newly drafted Policy.

2. MAIN POINTS

- 2.1. Whilst there has been a general decline in the use of covert surveillance activity, Councils have come under increased scrutiny in this area by Investigatory Powers Commissioner's Office (IPCO) during inspections and there are a number of recommendations in their annual reports, procedures and guidance.
- 2.2. IPCO confirms that, where inspections reveal activity - particularly with regard to intelligence gathering through the use of the internet and social media - evidence should demonstrate that consideration has been given to whether the activity could be considered surveillance and the appropriate authorisation sought.
- 2.3. Existing arrangements have been reviewed and the policy for ensuring compliance has been developed, attached at Appendix 1. The policy is generic and broad to ensure that the integrity of investigations and methods of detection are not revealed.
- 2.4. The procedure that derives from this policy is a confidential document available to members of staff involved in investigation work only who are authorised to undertake research and investigation using open source internet applications (as investigative tools) or other civil or criminal enforcement and recovery work.

3. CONCLUSION

- 3.1 This Policy, and the related RIPA and IPA Policies demonstrate the Council's consideration of necessity, proportionality and public interest when deciding on surveillance activity or the decision to obtain personal communication data. The application of the policies and procedures, to govern surveillance and the obtaining of personal communications data, minimises the risk that an individual's human rights will be breached. Furthermore, it protects the Council from allegations of the same.

4. IMPLICATIONS

4.1 Financial Implications

- 4.1.1 The adoption and approval of this Policy will support the Council's objectives in reducing crime and financial loss to the Local Authority.

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4.2 Legal Implications

- 4.2.1 The Council is required to ensure that it complies with the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPO) and any other relevant/statutory legislation regarding investigations.
- 4.2.2 The Council has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so. Human rights implications are a consideration of this type of activity and this is included within the Policy.

4.2.3 Any requests for directed/covert surveillance or the acquisition of communications data to be undertaken should be necessary and proportionate, and authorised by the appropriate Officer.

One Legal

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4.3 Equality Implications

4.3.1 The application of the RIPA and IPA Policies, to govern surveillance and the obtaining of personal communications data, ensures that there is less risk that an individual's human rights will be breached. Furthermore, it protects the Council from allegations of the same.

4.4 Environmental Implications

4.4.1 There are no significant implications within this category.