

Meeting Audit Committee

Portfolio Area Information Governance – ICT Services

Date 16th September 2026



REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') POLICY

NON-KEY DECISION

1 PURPOSE

- 1.1 To present the Council's revised RIPA Policy for review by the Committee and adoption by the Council, to ensure the Council as a public authority meets its obligations under The Regulation of Investigatory Powers Act 2000 ("RIPA").

2 RECOMMENDATIONS

- 2.1. That the content of the report be noted by Committee.
- 2.2. That the Committee recommends the updated RIPA Policy version be ratified by the Council.

3 BACKGROUND

- 3.1 RIPA regulates the use of certain surveillance powers by public authorities, including:
 - Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual)

- Use of Covert Human Intelligence Sources (CHIS), and
 - Access to communications data (e.g. details of subscribers to telephone numbers or email accounts).
- 3.2 The Council is a rare user of these powers. However, it is important that it has sufficient oversight of its activities to ensure that any considered use is compliant with individuals' human rights and compliance with legislative provisions.
- 3.3 The Home Office publishes national Codes of Practice on the use of RIPA powers by public authorities. These help public authorities assess and understand whether and in what circumstances it is appropriate to use covert techniques. The codes also provide guidance on what procedures need to be followed in each case. The Council must have regard to the relevant Code of Practice whenever exercising powers covered by RIPA. The Investigatory Powers Commissioner (IPC) conducts regular inspections of all public authorities to ensure compliance with RIPA, and the Codes of Practice
- 3.4 External Inspections are carried out from time-to-time by the Investigatory Powers Commissioner's Office ('IPCO'), so it is important that all documentation is properly completed and (where relevant) authorised to confirm that any directed surveillance is carried out on a lawful basis. The last inspection was held earlier in April 2026. The Council will be due for a further review on or around 2029 dependent on the IPCO's inspection scheduling requirements.
- 3.5 The Council is required to have arrangements and a RIPA Policy in place. The current one was approved in 2023/24.
- 3.6 Members should note the Council last used its surveillance powers in 2021.
- 3.7 The Shared Anti-Fraud Service ('SAFs') that the Council is a member of, also utilise such powers and these are regulated through Hertfordshire County Council's processes.
- 3.8 In terms of Communications data, all such applications must be processed through the Nafn (National Anti-Fraud Network), who will consider the application prior to submitting this for approval to the Office for Communications Data Authorisations (OCDA). All applications must be approved before Communications Data is acquired. All applications submitted to NAFN will be overseen by the Council's Borough Solicitor who acts as the Council's single point of contact for such applications. This means there is an experienced person that ensures controls and checks on any applications that are considered by Stevenage Borough Council.
- 3.9 RIPA training has been provided to Council authorising officers this year with further officer training being arranged for 2026/27.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 From the Council's recent inspection, it was recommended the Council maintain awareness of its RIPA Policy amongst officers and elected members through annual review and ratification of the Policy by the Committee and the Council.
- 4.2 To help improve understanding of the required procedures for directed surveillance investigations that involve social media, the Policy has been reviewed and updated with sections on Social Media Activities and Council Services Investigation Scenarios. These sections provide practical examples of online and social media activities and investigations performed by officers that may require RIPA authorisation and is located under Appendix A of the Policy.
- 4.3 The Policy has also been updated with a section regarding the Authorisation of Criminal Conduct of Covert Human Intelligence Sources (CHIS) that informs officers that the Council is not designated to grant a Criminal Conduct Authorisation under RIPA and thus does not have the power to authorise criminal conduct of CHIS. Officers therefore must not task, direct or permit a CHIS to undertake conduct that is expected to be criminal, in accordance with legislation. Such legislative requirements makes it more important for the Council to have a Policy in place that ensures proper procedure is followed.

5 IMPLICATIONS

Financial Implications

- 5.1 There are no financial implications arising from this Report.

Legal Implications

- 5.2 The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
- 5.3 Full details of the RIPA requirements and compliance are set out in the Policy, with relevant documents and guidance document available to relevant officers via the staff intranet should they consider it necessary to use these powers.

Equalities and Diversity Implications

- 5.4 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 5.5 The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

BACKGROUND DOCUMENTS

- BD1 [Covert surveillance and property interference code of practice.](#)
BD2 [CHIS \(Criminal Conduct\) Act 2021](#)
BD3 [Extraction of Information from electronic devices: code of practice \(publishing.service.gov.uk\)](#)

APPENDICES

- A RIPA Policy