

EXTRACTION FROM THE INSPECTION REPORT OF THE INVESTIGATORY POWERS COMMISSIONER'S OFFICE

A slight reorganisation of paragraphs in the opening pages may add to the value of what is more than a sound document, and assist the reader new to the subject in understanding a subject which is not east at first acquaintance. I suggest that on page 1, before dealing with the key contacts, it would be helpful to set out some 'purposes' before specifying the officers. This could be done by moving the 'purpose of RIPA' paragraph from page 2 and inserting it above 'Senior Responsible Officer' on page 1. This could then be followed by something like:

- 'The purpose of this policy document is to ensure that any investigation thought necessary by the Council involved directed surveillance, CHIS or the acquisition data, is carried out effectively, respecting human rights and in accordance with the law';
- and if appropriate: 'It is the policy of the Council only to use authorisations under RIPA as an investigative tool when all other avenues have been exhausted'.

Some other suggested points of detail for completeness:

- [page 3] Under the 'Legal Service Manager and Information Governance Officer' heading it might be helpful to emphasise that any officer contemplating using the tool should, in the first instance, discuss matters with the LSM; and that further help is to be found in the Officer of Surveillance Commissioners' "Procedures and Guidance 2016' (with hyperlink).
- [page 4] Under B: 'The Human Rights Act 2000', add after 'came into force in October 2000': 'in particular Article 8 'the right for private and family life, home and correspondence'.
- [page 4] Section C: 'What RIPA does and does not do' is helpful and clear. It also reinforces the message of seeking advice if there is any doubt.
- Section D - the more detailed setting out of types of surveillance is also well done. But [page 7] for clarity, add a bullet point under 3.1 to the effect: 'and since 2012, the crime suspected must pass the threshold of attracting a minimum sentence of six months imprisonment' (whilst leaving sections E.2 and G).