

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Use of Regulation of Investigatory Powers Act and Investigatory Powers Act Annual Report 2024/25
Meeting date	24 July 2025
Status	Public Report
Executive summary	<p>Following an annual review process, the Regulation of Investigatory Power Act (RIPA) and Investigatory Powers Act (IPA) Policy was updated, the Purpose Statement now includes reference to the Investigatory Powers (Amendment) Act 2024, while Appendix A provides concise guidance on the use of technology, including artificial intelligence, in surveillance.</p> <p>BCP Council has not made use of powers under RIPA or IPA during the 2024/25 financial year.</p> <p>The BCP Council statutory return for the 2024 calendar year has been sent to the Investigatory Powers Commissioner's Office (IPCO).</p> <p>The IPCO Inspection in July 2024 resulted in a letter from them stating that they were satisfied with ongoing compliance with RIPA and IPA and ensuring the risks or unregulated surveillance, particularly online is minimised.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Audit & Governance Committee note that the Council has not made use of powers under the Regulation of Investigatory Powers Act or the Investigatory Powers Act during the 2024/25 financial year.</p>
Reason for recommendations	To ensure transparency in respect of the Council's use of its powers under the Regulation of Investigatory Powers Act and the Investigatory Powers Act.
Portfolio Holder(s):	Cllr Mike Cox, Portfolio Holder for Finance
Corporate Director	Graham Farrant, Chief Executive
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Wards	Council-wide
Classification	For Information

Background

1. The Regulation of Investigatory Powers Act (RIPA) was enacted in 2000 to regulate the manner in which certain public bodies may conduct surveillance and access a person's electronic communications and to ensure that the relevant investigatory powers are used in accordance with human rights. The provisions of the Act include:
 - the interception of communications;
 - the acquisition of communications data (e.g. billing data);
 - intrusive surveillance (on residential premises/in private vehicles);
 - covert surveillance in the course of specific operations;
 - the use of covert human intelligence sources (agents, informants, undercover officers); and
 - access to encrypted data.
2. The Investigatory Powers Act 2016 (IPA) is the main legislation governing the access to or acquisition of communications data. It does not fully replace all pre-existing RIPA requirements but does introduce some important and significant variations to authorisation and regulatory oversight in particular.
3. There are various codes of practice, updated periodically, which broadly cover the specific bullet points above. 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 and identifies **as a matter of best practice that elected members of an authority should review the authority's use of RIPA and IPA at least once a year**. The purpose of this annual report is to set out the level and nature of BCP Council's use of covert surveillance under RIPA and acquisition of communications data under IPA.

BCP RIPA and IPA Policy Annual Evolution

4. An annual review of the Council's Regulation of Investigatory Powers Act (RIPA) and Investigatory Powers Act (IPA) Policy took place in early 2025 and the revised policy was approved by Audit & Governance Committee (27 February 2025).
5. Some minor changes were made to the policy as part of the annual evolution as summarised below:
 - Purpose Statement - Added reference and link to Investigatory Powers (Amendment) Act 2024. These minor changes do not impact on Council arrangements as we use the National Anti-Fraud Network to carry out the acquisition of communications data (and is unlikely to be used).
 - Appendix A - Added brief guidance on use of technology (including artificial intelligence) with regard to surveillance.

6. A corporate communication on the updated RIPA and IPA Policy along with other Finance Policies was issued to all staff, including a separate message to senior managers in April 2025.

Use of RIPA/IPA by the Council

7. The BCP Council RIPA and IPA Policy states that overall responsibility for the use of RIPA & IPA lies with the Senior Responsible Officer (SRO) who is the Director of Law & Governance (& Monitoring Officer). The deputy SRO is the Chief Executive.
8. The Head of Public Protection, Director of Housing & Public Protection (was Housing & Communities), Chief Executive and Corporate Directors are the Council's Authorising Officers in respect of both RIPA and IPA applications which are then subject to judicial approval in the local Magistrates' Court. For internally authorised IPA applications, approval for the acquisition of communications data must be granted by the Office for Communications Data Authorisations (OCDA) which National Anti-Fraud Network (NAFN) arrange on behalf of the Council. The Head of Audit & Management Assurance is the RIPA Administrator and is responsible for maintaining a central register of authorisations applied for.
9. The use of covert surveillance techniques can assist councils in delivering objectives in areas such as preventing or detecting crime, anti-social behaviour and in licensing. As a result of complying with RIPA, the Council only invokes these powers as a last resort where overt surveillance is not possible.
10. During the 2024/25 financial year, **the Council has not made use of powers under RIPA or IPA**. The Council's RIPA/IPA Authorising Officers have not approved the use of covert surveillance techniques or requests to access communications data in any cases.
11. Dorset Police will utilise the Council's CCTV system for covert surveillance where the court authorises a Directed Surveillance Authority. This sits within Dorset Police delegated powers and is authorised by an officer at Superintendent rank or above. Where the police intend to utilise Council owned CCTV for covert purposes, formal notification is given to the Head of Public Protection. Paper copies of this notification are securely held by the CCTV team. Dorset Police are legally responsible for the data and the rationale at court.

Investigatory Powers Commissioner's Office - Oversight

12. All entities able to use RIPA/IPA are required to complete a statutory return to the IPCO for the preceding calendar year. The Council completed and sent off this return within the required timeframe (in January 2025).
13. During July 2024, BCP Council was subject to its three-yearly inspection by the IPCO. The inspection was to assess compliance with the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.
14. The Council provided a written response to a set of questions from the IPCO which resulted in a letter from them (see Appendix A) stating that they were satisfied with ongoing compliance with RIPA and the IPA and ensuring the risks of unregulated surveillance, particularly online is minimised. The next inspection is due in 2027.

Options Appraisal

15. An options appraisal is not applicable for this report.

Summary of financial implications

16. There are no direct financial implications from this report.

Summary of legal implications

17. The Council must follow Regulation of Investigatory Powers Act (RIPA) and Investigatory Powers Act (IPA) requirements should it wish to enact covert surveillance.

Summary of human resources implications

18. There are no direct human resource implications from this report.

Summary of sustainability impact

19. There are no direct sustainability impact implications from this report.

Summary of public health implications

20. There are no direct public health implications from this report.

Summary of equality implications

21. There are no direct equalities implications from this report.

Summary of risk assessment

22. There are no direct risk implications from this report.

Background papers

None

Appendices

Appendix A - IPCO Inspection Outcome Letter