

## JOINT COMMITTEE

23rd February 2012

### Inspection by the Interception of Communications Commissioners Office (IOCCO)

#### Recommendation

That members note the report

#### Contribution to Priorities/ Recommendations

Members are required to maintain an oversight of the service's activities that fall under the Regulation of Investigatory Powers Act and this report contributes to this.

#### Introduction/Summary Background

Where a local authority uses surveillance or obtains what is referred to as communications data, processes under the Regulation of Investigatory Powers Act 2000 and its associated Regulation must be observed. Authorities are audited by two bodies, the Office of the Surveillance Commissioner for directed surveillance, and the Interception of Communications Commissioners Office (IOCCO) for communications data.

This report details the positive outcome of our most recent inspection by IOCCO.

#### Report

The Regulation of Investigatory Powers Act 2000 was introduced as part of the process of formalising the inclusion of human rights provisions in UK law. The Act introduced a process and protocol for the control of a number of investigative processes that local authorities had been using for many years. Unfortunately, the popular press has interpreted RIPA as being provisions to control terrorism, hence, the level of negative publicity surrounding the use of its provisions by local authorities.

IOCCO inspect local authorities in relation to their obtaining of communications data. This relates mainly to obtaining the names and addresses of subscribers to particular telephone numbers e-mail accounts or internet domains, but it can also include billing information and similar i.e. what numbers a subscriber has called, and a range of other data. It does not include the actual content of telephone or e-mail

communications. This is known as “traffic data” and local authority officers are not entitled to view this through this means.

IOCCO’s inspection, which took place just before Christmas, was effectively an inspection of the host authority, Bromsgrove District Council however, no other service within the host authority had obtained any communications data during the period relevant to the visit.

All seven applications and the nine notices (papers served on internet or telephone service providers,) were reviewed by the inspector. He was very impressed with the process that WRS had adopted albeit that there were a number of areas for officers to improve their practice.

Officers needed to include more detail to justify the necessity for obtaining the data, particularly in relation to actually specifying offences. Whilst it was clear that officers and the Designated Person (the Senior Officer who authorises the obtaining of the information,) understood their roles, it was important that an Inspector could clearly see the nature of what was being investigated. Also, he indicated that whilst he was pleased to see that officers were specifying time periods to limit the amount of data that they would obtain, officers needed to be clearer in their applications as to the justification for these time periods.

In light of the good standard of compliance that he observed, the inspector will not be returning for his next review for about 18 months.

**Financial Implications**

None

**Sustainability**

Not Applicable

**Contact Points**

Simon Wilkes

**Background Papers**

The inspectors report can be reviewed at Wyatt House but they are treated as restricted for government protective marking scheme purposes so will not be published.

---