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Mr Eifion Evans
Chief Executive
Ceredigion County Council
By email: Chiefexecutive@Ceredigion.gov.uk

16 September 2022

Dear Mr Evans,

IPCO Surveillance and CHIS Inspection – Ceredigion County Council

Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: info@ipco.org.uk), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.

Ceredigion County Council (CCC) was recently the subject of a remote inspection in relation to directed surveillance and CHIS by one of my Inspectors, [REDACTED]. This was facilitated by Ms Elin Pryor, Corporate Lead Officer: Legal and Governance (and RIPA SRO), as well as Mr Harry Dimmack, Governance Officer (SRO Support). Discussions were also held with Anne-Louise Davies, Trading Standards and Licensing Manager, during the inspection. The last inspection of CCC was carried out in 2019.

Information was provided during meetings on 22nd and 30th August 2022. Documents and further information were provided to support the explanations given during professional discussion. This has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. A summary of key findings from the inspection is detailed below.

- There were three observations made following the 2019 inspection and appropriate action has been taken. The matters are discharged.
- CCC has not granted any CHIS or directed surveillance authorisations since the last inspection. The use of appropriately authorised covert investigative techniques has been considered, although not utilised. The use of directed surveillance and CHIS may be used in future providing there is a genuine need and authorisation requirements are met.

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- RIPA training was provided in 2019 following the last IPCO inspection. In addition, training sessions designed to provide an overview of RIPA and its relationship with Article 8 Human Rights, whilst also enabling staff to develop an understanding of the activities which may require authorisation, were held on 08/09/2020, 09/02/2021 and 28/02/2022. These sessions are aimed at staff who may need to consider seeking a RIPA authorisation, along with those who are responsible for authorising activity. This is good practice.
- Desktop research activity is monitored, and those who have the permission and capability are required to submit periodic returns of activity levels. It was suggested that the RIPA Co-ordinator could conduct some quality control of returns and dip sample a percentage of those. Discussions with those conducting research, as well as those submitting nil returns, will test the understanding of staff in relation to RIPA considerations. This suggestion was received positively.
- Teams likely to need to make RIPA considerations are Social Services, Youth Justice and those dealing with Benefits. It was suggested that HR may consider use of directed surveillance and the type of mischief potentially being investigated was debated. Reference was made to paragraph 4.44 bullet point one of the Covert Surveillance and Property Interference (CSPI) Code of Practice (2018) which explains that local authorities in England and Wales can only authorise the use of directed surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or are related to the underage sale of alcohol and tobacco or nicotine inhaling products. The offences relating to the latter are in article 7A of the 2010 RIPA Order.
- The CCC RIPA Policy and procedures are available to staff on an intranet site. The Policy is updated each year. In response to a letter from IPCO regarding assurance of data handling and retention safeguards, a review of the RIPA Corporate Policy and Procedures Document (RIPA Policy) was undertaken, with proposed amendments presented to the Overview and Scrutiny Coordinating Committee on 20/01/2021 and 15/09/2021. The Council's new RIPA Social Media Policy, which was created in response to recommendations following the previous inspection in 2019, was also presented to this Committee on these dates. Both the amended RIPA Policy and RIPA Social Media Policy were approved by Council on 23/09/2021.
- Awareness of RIPA responsibilities and knowledge required to avoid inadvertent drift into activity for which a RIPA authorisation would be required was discussed. Designated Officers and Corporate Managers cascade information to staff. The use of all staff messages was discussed as a method that might be used in future to maintain levels of awareness.
- If communications data is required, CCC is a member of the National Anti-Fraud Network (NAFN) and submission of applications to NAFN provides a level of in-built assurance.
- CCC does not have any overt or covert CCTV responsibilities.
- Covert equipment for use on surveillance is retained by CCC. Storage of equipment is secure and although it has not been utilised for many years, any use would be recorded.
- Data Assurance Safeguards, if material is obtained, will be addressed by adherence to the CCC corporate retention schedule that is available on the CCC intranet.

It must be emphasised that whilst CCC is numerically a non-user of RIPA powers, it is vital that the Council continues to ensure that relevant staff are appropriately trained when the need arises to use and authorise covert activity. It is also important that officers engaged in investigatory or enforcement areas where RIPA considerations are not so immediately apparent, maintain their levels of knowledge and know whom to approach for guidance. It is positive that training is regularly provided to achieve this. Assurances have been provided to ██████ that the integrity of CCC processes and governance procedures will be maintained to ensure compliance with the Act and relevant Codes of Practice is achieved.

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My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter. I would like to thank all personnel involved for their positive and helpful engagement with the inspection process, and I shall be pleased to hear from you regarding these findings within the next two months.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner