

**TITLE OF REPORT: ITEM REFERRED FROM OVERVIEW AND SCRUTINY COMMITTEE:
20 SEPTEMBER 2016 – REGULATION OF INVESTIGATORY POWERS ACT (RIPA)
INSPECTIONS AND ANNUAL REVIEW AND USE OF SOCIAL MEDIA IN
INVESTIGATIONS POLICY AND PROCEDURE**

The following is an extract from the Draft Minutes of the Overview and Scrutiny Committee meeting held on 20 September 2016.

51. REGULATION OF INVESTIGATORY POWERS ACT – INSPECTION AND ANNUAL POLICY REVIEW AND NEW USE OF SOCIAL MEDIA IN INVESTIGATIONS POLICY AND PROCEDURE

The Advisory and Litigation Lawyer presented the report of the Corporate Legal Manager and Monitoring Officer entitled Regulation of Investigatory Powers Act – Inspection and Annual Policy Review and New Use of Social Media in Investigations Policy and Procedure as follows:

OSC Inspection

There had been an inspection by the OSC, which was detailed in Appendix B.

Annual Review of RIPA Policy

The RIPA Policy had been updated in line with the recommendations made during the OSC Inspection. The updated Policy was attached as Appendix A.

Use of Social Media in Investigations Policy and Procedure

The new Policy was attached as Appendix C.

In response to questions, the Advisory and Litigation Lawyer advised that the Office of Surveillance Commission were concerned that any use of social media in investigations was done in a legal manner. The OSC were impressed with this Council's approach in having a separate policy.

Investigating Officers were already using social media to investigate crimes including fraud and information captured through social media had been used as evidence in a number of court cases.

This Policy made sure that this practice was regulated and complied with the rules of evidence in court and alerted Officers to the circumstances where RIPA authority may be required. Following adoption of the Policy training would be given to relevant Officers.

Members expressed some concern that they should be made aware of actions to take should they innocently gain information by their use of social media.

The Advisory and Litigation Lawyer advised that should Members become aware of any information that they believe could result in an investigation they should contact Legal Services for advice.

It was felt that all Members should be made aware of the need to contact Legal Services in these circumstances and that this could be achieved through a brief note in Members Information Service.

RESOLVED: That the Advisory and Litigation Lawyer be requested to prepare a brief note for inclusion in Members Information Service regarding the issues of using Social Media and the Use of Social Media in Investigations Policy.

RECOMMENDED TO CABINET: That the recommendation contained in the report be supported.

REASON FOR DECISION: To comply with best practice guidance and the Committee's terms of reference.

[NOTE: The report to which this referral relates is Item 12 on this agenda.]