



Office of Surveillance
Commissioners



Chief
Surveillance
Commissioner

Official -Sensitive

11 July 2016

Covert Surveillance

Dear *Chief Executive*

I enclose a copy of the report dated 27 June 2016 prepared by His Honour Brian Barker CBE., QC., an Assistant Surveillance Commissioner, following his assessment of the arrangements made by the Council to ensure compliance with the statutory provisions which govern the use of covert surveillance.

The report was prepared without a personal visit, and following the inspection of the available material, none is thought necessary. I have studied the report, which is generally positive, and endorse it.

It is now some five years since any authorisation for directed surveillance was granted, and as far as can be ascertained, there has never been an occasion when CHIS has been deployed. Following the last inspection in 2013 five formal recommendations were made. The issues to which they gave rise have been addressed, and they can now be discharged.

There is a single recommendation this year, which involves amendments to the Council's Policy document. The recommendation itself implies no criticism, as the amendments are directed to the newly developing hazards of using Social Networking Sites in a way which, quite inadvertently, may bring the statutory provisions into focus. It is pleasing to note is that your Council had already recognised the dangers of what His Honour describes as the care which must be taken about the potential dangers of "overenthusiastic but unguided research". This recommendation carries with it the further unspoken requirement that arrangements will be made to ensure that an appropriate level of awareness, or training, against these hazards will be put in place.

In view of the positive features of the report, perhaps my further observations can be very limited. It seems likely that any future deployment of the RIPA powers will be very rare. The consequent risk is a downward drift in awareness of the complexities of this legislation. The current arrangements, with regular training, and broad understanding of these issues should be maintained. Finally, if for any reason you think that a personal visit to the Council is appropriate or necessary, this will be arranged.

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Yours sincerely,
John Judge