



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

David Scholes
Chief Executive
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

17 April 2020

Dear Chief Executive,

Inspection of North Hertfordshire District Council

On 16 April, your Council was the subject of a telephone-based inspection by one of my Inspectors, ●●●●. This has been facilitated through your Senior Responsible Officer (SRO), Service Director Legal and Community Monitoring Officer, Jeanette Thompson, who was interviewed over the phone and provided the supporting documentation requested by the Inspector.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection.

My Inspector has reviewed your Council's RIPA Policy. It is largely accurate, succinct and easy to digest. In addition to a number of minor amendments which were accepted by the SRO, the Inspector recommended a major revision to the chapter covering the acquisition of communications data to reflect legislative changes arising from the implementation of the Investigatory Powers Act 2016 (IPA). I would be grateful if you could ensure this matter is addressed at the earliest opportunity.

The SRO outlined her oversight activity, including a description of the processes used to ensure that no unauthorised surveillance or CHIS management activity takes place. The SRO provides regular updates to the authorising officers, and the Corporate Enforcement Forum facilitates the exchange of views and sharing of best practice.

Although your Council has not exercised its powers since 2011, the SRO was reminded of the importance of ensuring that the designated authorising officers maintain their level of training. It was therefore pleasing to hear that training had been delivered in January 2020 with additional training for environment officers planned for later this year (dependent on the coronavirus).

The Inspector discussed with the SRO your organisation's approach to the monitoring of social media. The SRO confirmed:

- that guidance was provided to staff within the relevant social media policy (a copy of the guidance was emailed to the Inspector and it is a comprehensive and valuable reference tool); and
- that staff were not permitted to use covert profiles or pseudonymous accounts to conduct internet or social media enquiries.

In accordance with paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice, the SRO has confirmed that you provide Elected Members with an annual report sufficient to enable them to determine that the Council's policy remains fit for purpose, together with regular reports on RIPA activity (or inactivity).

The IPCO Inspectorate is currently undertaking a programme of work in relation to compliance with the safeguarding measures regarding material acquired under RIPA and the IPA; essentially how this is retained, reviewed and ultimately destroyed. Accordingly, the Inspector was provided with a copy of the Council's Data Retention Policy. Although no amendments are recommended, the Inspector has suggested that it would be helpful to review this policy annually to ensure that it remains current.

In conclusion, it must be emphasised that although your Council has not exercised its RIPA powers since 2011, it is important that the relevant staff remain appropriately trained should the need to authorise covert activity arise. The SRO has assured the Inspector that the integrity of your Council's processes and governance procedures will be maintained.

I hope that this telephone-based inspection has proved to be a worthwhile exercise. 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.

Particular thanks should be passed to Jeanette Thompson who provided comprehensive background reading material, completed the IPCO questionnaire, and made herself available for interview at a time of unprecedented challenges faced by all public authorities.

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,



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