Herefordshire Council

Directorate/Division: Corporate Support
Team: Information Governance
Please ask for: Ruth Davies
Direct line: 01432 260112
Email: [Herefordshire Council request email]
Date: 21st November 2024

Chris Bury

[FOI #1194840 email]

Dear Chris Bury,

Ref: FREEDOM OF INFORMATION ACT REQUEST FOI2024/01837

Further to our previous correspondence, your request has now been considered and the council's response is set out below:

Please provide the following information:

1. Regarding RIPA Authorisation and Compliance

- **Can you confirm how many RIPA authorisations were requested, granted, and refused in the last five years, and provide anonymised details of the nature of these authorisations?**

  Answer: The Service Area have advised there have been 2 RIPA authorisations in the last 5 years, both of which were tobacco purchases. There were no refusals.

- **Can you provide a copy of the procedures and criteria used for assessing whether RIPA authorisation is needed for covert surveillance, and confirm who is responsible for reviewing these criteria?**

  Answer: The RIPA policy is reviewed by the Audit and Governance Committee, and is publically available on the Herefordshire Council website and can be viewed via the following link:

  RIPA policy - Council policies, strategies and procedures – Herefordshire Council

  As such we consider this information to be exempt under Section 21 of the Freedom of Information Act 2000 because it is reasonably accessible to you via other means. Please take this letter as a refusal notice under S17 of the Act.

- **What training do staff undergo to ensure compliance with RIPA when conducting surveillance activities, and when was the last training session conducted?**

Answer: All relevant staff are trained in RIPA by an external provider on joining the Council and receive 'update' training. All relevant staff were last trained in April/May 2024.

- **If RIPA authorisation was refused, what alternative measures were taken to achieve the same surveillance objectives without breaching privacy rights?**

Answer: N/A – there were no RIPA refusals.

2. Regarding Policies and Procedures

- **How often are your surveillance policies, including RIPA policies, reviewed and updated, and can you provide a copy of the latest review or audit findings?**

Answer: Please see the RIPA Policy.

- **Can you confirm whether any complaints or legal challenges have been made against the council regarding misuse of RIPA powers or improper surveillance in the past five years? What were the outcomes?**

Answer: The Service Area have advised there was 1 challenge to the Investigatory Powers Tribunal in 2023, which was dismissed without merit.

- **What safeguards are in place to ensure that surveillance conducted without RIPA authorisation is always compliant with data protection laws and individuals' privacy rights?**

Answer: The Council has a RIPA policy and relevant staff are trained on the requirements of RIPA.

We welcome your comments on your experience of making a FOI request to us, and would appreciate your feedback to help us improve our service further. Please complete and return the attached feedback form to us at this email address.

For any queries about re-use of the above response please see re-use of council data.

If you are dissatisfied with the council's handling of your request, you can ask us to review our response. Requests for review should be submitted within 40 working days of receipt of this letter. Further details can be found in the Internal review procedure for FOI and EIR requests. Please quote the above reference number in any correspondence.

Further information is also available from the Information Commissioner's Office who can be contacted as follows:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113 Website: ICO

Please note that we already publish a variety of information on the council's website, and in particular in our FOI disclosure log, Publication Scheme, Open Data and Understanding Herefordshire, which you may find of use if you are looking for information in the future.

Yours sincerely,

Ruth Davies
Information Governance