
Report to: Audit and Scrutiny Committee

Date of Meeting: 24 October 2024

Subject: Regulation of Investigatory Powers (Scotland) Act 2000

Report by: Senior Manager Legal & Governance

1.0 Purpose

- 1.1. To provide an update to Committee on the Council's use of The Regulation of investigatory Powers (Scotland) Act 2000 (RIPSA) during the period March 2023 to April 2024.

2.0 Recommendations

- 2.1. That Committee notes the report, commenting and challenging as appropriate.

3.0 Considerations (Background)

- 3.1. In limited circumstances, it may be necessary for Clackmannanshire Council employees, in the course of their duties, to make observations of a person in a covert manner (i.e. without that person's knowledge). Actions of this sort are potentially intrusive and may give rise to legal challenge. RIPSA was introduced to make sure that such surveillance was properly regulated and to ensure compliance with Human Rights legislation. There are statutory codes of practice which sit alongside the Act.
- 3.2. The Council has a RIPSA Policy, along with staff guidance and standard forms, which require completion and authorisation by the Chief Executive or a Director who are the Council's Authorising Officers.
- 3.3. No authorisations were granted under RIPSA during the period March 2023 to April 2024.
- 3.4. The Council is subject to an inspection on its use of RIPSA powers by an inspector from the Investigatory Powers Commissioner's Office (IPCO) every three years. Our next inspection is due in June 2025. Ahead of the next inspection the Councils RIPSA policy, associated forms and guidance documentation will be reviewed.
- 3.5. Updated RIPSA training will be undertaken by Authorising Officers and the Coordinating Officer due to changes in staff.

4.0 Sustainability Implications

4.1. None.

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) Council Policies

Complies with relevant Council Policies

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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