



Investigatory Powers
Commissioner's Office

PO Box 29105, London
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Ms Jacqui Sinnott-Lacey
Chief Operating Officer
West Lancashire Borough Council
52 Derby Street
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Lancashire
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22nd April 2020

Dear Ms. Sinnott-Lacey,

Inspection of West Lancashire Borough Council

Your Council was recently the subject of a telephone-based inspection by one of my Inspectors, Graham Wright. This has been facilitated through your Senior Responsible Officer (SRO), Matt Jones (Legal and Democratic Services Manager) and Judith Williams (Assistant Solicitor and Data Protection Officer), who were interviewed over the telephone 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, which is dated 2019 and approved by the Audit and Governance Committee. This provides useful and accurate advice to staff and just requires the removal of references to the Chief Surveillance Commissioner and replaced with the Investigatory Powers Commissioner. It also includes clear guidance regarding the retention, review and destruction of material acquired by means of covert activity or communications data. The Council has data protection safeguards in place. Each council department keeps a Record of Processing Activity pursuant to Article 30 of the GDPR and the Council has a Retention and Disposal Schedule which determines how long information should be kept for and how the information should be disposed of. Electronic data will be disposed of with the assistance of the IT experts and paper files will be disposed of by way of confidential shredding.

The SRO outlined his oversight activity, including a description of the processes used to ensure that no unauthorised surveillance or CHIS management activity takes place. This involves all potential RIPA applicants having to seek advice from the lawyers in Legal and Democratic Services before embarking on any surveillance or covert activity. The managers of the departments concerned with law enforcement activities have been familiarised with their obligations under RIPA. A general awareness message, together with the RIPA Policy guidance, has been published on the Council's intranet.

Although your Council has not exercised its powers since 2013, the SRO was reminded of the importance of ensuring that the designated authorising officers maintain their level of training. The last training was delivered in November 2017 and a further session had been planned to take place in 2020, but with the current crisis this has been postponed and will be arranged for a later time.

The monitoring of social media and the internet can offer initial investigative leads and assist with your enforcement or other responsibilities, but it behoves you to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The Home Office Covert Surveillance and Property Interference Code of Practice provides some helpful advice on this point. The Inspector discussed with the SRO your organisation's approach to these activities and he has confirmed the following:

- that guidance was provided to staff within the relevant policy document
- there is very limited use made of social media
- that staff were not permitted to use covert profiles or pseudonymous accounts to conduct internet or social media enquiries.

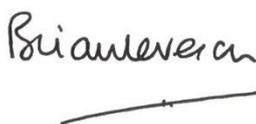
In accordance with section 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice, the SRO has confirmed that you provide Elected Members on the Audit and Governance Committee with an annual report sufficient to enable them to determine that the Council's policy remains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

The Inspector was informed that you do not make any requests to access communications data via the National Anti-Fraud Network and have not signed up to this service, but this is due to be reviewed in the near future. It is also important that officers engaged in investigatory areas where RIPA considerations are not so immediately apparent, maintain their levels of knowledge and know whom to approach for guidance. The SRO has given assurances to the Inspector that the integrity of your Council's processes and governance procedures will be maintained to ensure that high standards of compliance with the Act and relevant codes of practice are achieved.

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 this inspection, or at any point in the future. Contact details are provided at the foot of this letter.

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