

SERVICE UPDATE

<u>Name of Cluster:</u>	Governance
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<u>Title of Update:</u>	Use of Investigatory Powers – Q2
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UPDATE:

This service update is to provide Members with an update on Aberdeen City Council's Use of Investigatory Powers in the period since the last meeting of the Committee.

Powers

The Council has powers under the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), and Investigatory Powers Act 2016 (IPA) to use different investigatory techniques. RIPSA provides a legal framework for covert surveillance by public authorities, an independent inspection regime to monitor these activities and sets out a process for the authorisation of covert surveillance by designated officers, for the duration of that authorisation and for the review, renewal or termination of authorisations.

It gives the Council powers to conduct two types of covert surveillance:

1. Directed Surveillance (is covert surveillance in places other than residential premises or private vehicles); and
2. The use of a Covert Human Intelligence Source (CHIS) (e.g. the use of an undercover officer).

RIPSA defines Directed Surveillance as covert surveillance which is not intrusive, is related to a specific investigation or operation, likely to result in the obtaining of private information about a person and is not an immediate response to events, or circumstances.

A CHIS is defined as establishing or maintaining a personal or other [false] relationship with another, and using that [false] relationship for the purposes of obtaining or providing information, or using that [false] relationship for disclosing information.

The operational procedures which sit under the Use of Investigatory Powers Policy, clearly set out the internal process for the application and authorisation of both. This Committee has had oversight of covert surveillance activity under RIPSA since 2017.

The IPA permits the Council to acquire Communications Data for a lawful purpose. Communications data is the way in which, and by what method, a person or thing communicates with another person or thing. The IPA sets out

the manner and process by which Communications data can be obtained and this is supported by the Home Office's Communications Data Code of Practice.

The operational procedure in respect of Communications data was reviewed in April 2024 and no amendments were made.

The Investigatory Powers Commissioner (IPCO) has oversight of both RIPSAs and IPAs and as such, the Council's use and management of powers under these will form part of the normal inspection process. The Council's next inspection is due on or around Spring 2026.

The Council determined that the Use of Investigatory Powers Policy was fit for purpose when it considered the Annual Report in February 2025. This policy governs compliance with both RIPSAs and the IPA. It remains a mandatory requirement that all members of staff wishing to use investigatory powers must undertake training prior to being able to make an application to use such investigatory powers.

Covert Surveillance - RIPSAs

There have been no applications for directed surveillance or the use of a Covert Human Intelligence Source during Q2.

Communications Data – IPA

There have been no applications for Communications Data During Q2.

Training

There has been no training undertaken during Q2. Training is scheduled for Q3 and will be reported to this Committee in the next report.