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Commissioner's Office

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Sharon Kemp
Chief Executive
Rotherham Metropolitan Borough Council
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7 July 2020

Dear Ms Kemp,

Inspection of Rotherham Metropolitan Borough Council

Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: info@ipco.org.uk), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.

Rotherham Metropolitan Borough Council (RMBC) was recently the subject of a telephone and desktop-based inspection by one of my Inspectors, Nicholas Fletcher. This was facilitated through Ms Elizabeth Anderson the RIPA Co-ordinator, who has day to day responsibility for RIPA issues on behalf of the Senior Responsible Officer. Relevant information was provided during professional discussion on 2nd July.

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

A summary of key findings from the inspection are detailed below:

- The three recommendations made during the previous inspection in January 2016 have been fully addressed and are discharged.
- Since the last inspection in 2016, carried out by the then Office of Surveillance Commissioners, RMBC has not granted any directed surveillance or CHIS authorisations.

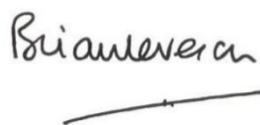
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- The RMBC RIPA Policy was reviewed following a recommendation made during the 2016 inspection. A more recent review of the policy was undertaken in January 2019 to ensure that any changes arising from the 2018 Codes of Practice were included.
- Activity for which a RIPA authorisation may not be available, such as Test Purchase or Social Services conducting surveillance of social networking sites for civil proceedings in the family courts, is not undertaken by RMBC.
- It is assessed that appropriate training has been provided to the CEO, Authorising Officers and other staff who work in areas in which RIPA considerations may be appropriate. This includes those who need to understand the legislation to avoid inadvertently conducting activity for which a RIPA authorisation should have been sought.
- Wider awareness for staff who do not necessarily encounter potential RIPA issues on a regular basis was identified as an area for which increased emphasis is desirable. Current efforts to remind and re-enforce RIPA issues is approached by issuing general reminders at Director meetings and cascading such messages. This is an area which the RIPA Co-ordinator agreed to focus on, as online activity and the use of social networking sites has increased this risk in several organisations. It is positive that RMBC has recognised the need for increased communication in this area.
- RMBC operates overt camera systems and adheres to the Surveillance Camera Commissioner's Code of Practice. A process is in place to ensure that the parameters of an authorisation are understood should Council assistance be sought by the Police or other investigatory body.
- RMBC is aware that Elected Members of a local authority should review the Council's use of covert investigative techniques, and a report is made to the Cabinet annually to discharge that responsibility.
- Data assurance was discussed, and in respect of retention, review and destruction, RMBC records all material gathered on a case management system and the process operated incorporates a quarterly review.

I am pleased to note that this has been a positive inspection, although it must be emphasised that whilst RMBC is a minimal user of RIPA powers, it is vital that it continues with the good practice of ensuring that relevant staff are appropriately trained, should the need arise to increase the use and authorisation of covert activity. It is also important that officers engaged in investigatory or enforcement areas where RIPA considerations are not so immediately apparent, maintain their levels of knowledge and know whom to approach for guidance. Elizabeth Anderson has given assurances to Mr Fletcher that the integrity of RMBC's processes and governance procedures will be maintained to ensure compliance with the Act and relevant codes of practice.

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. My Inspector would like to thank Ms Anderson for her positive and helpful engagement with the inspection process.

Yours sincerely,



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