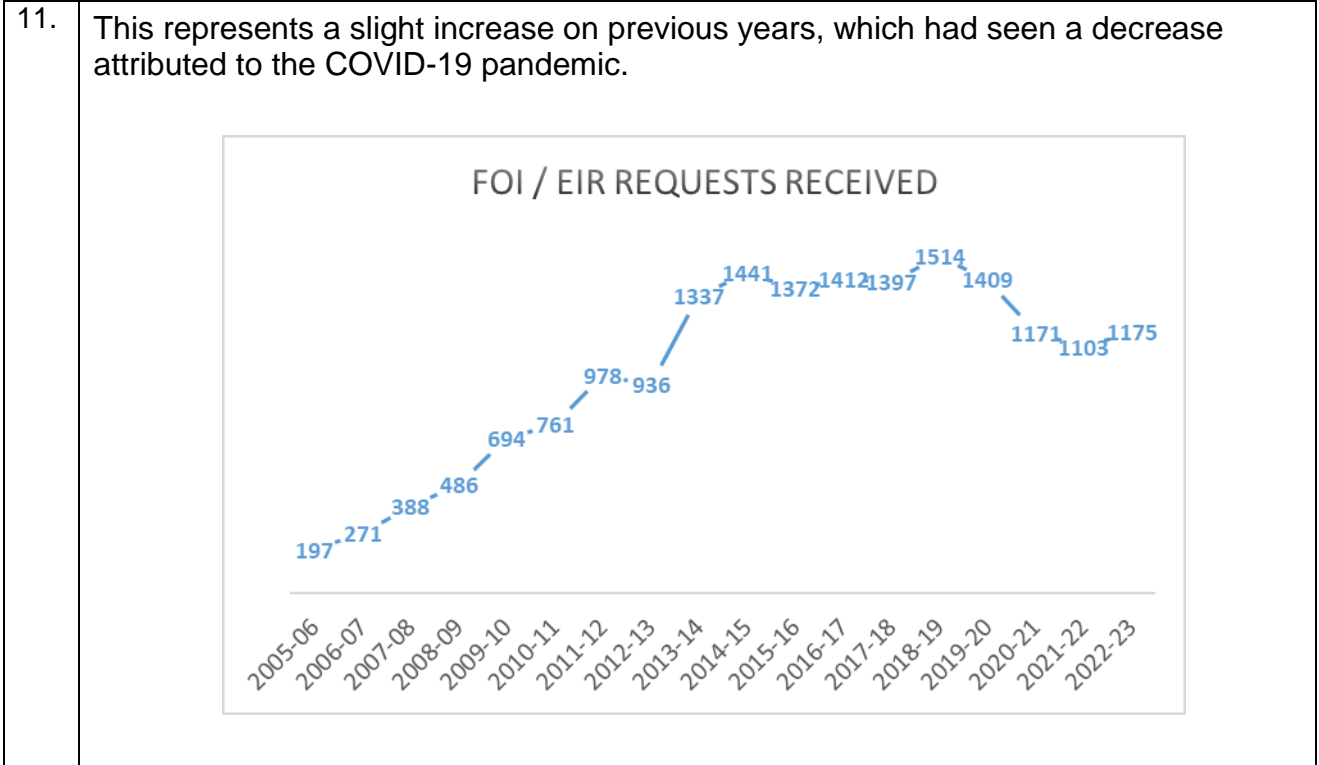


<b>DECISION-MAKER:</b>	GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	FREEDOM OF INFORMATION, DATA PROTECTION & REGULATION OF INVESTIGATORY POWERS ACTS: ANNUAL REVIEW 2022-23		
<b>DATE OF DECISION:</b>	2 <sup>nd</sup> October 2023		
<b>REPORT OF:</b>	Director of Governance, Legal, and HR		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	CHRIS THORNTON, Data Protection Officer	<b>Tel:</b> 023 8083 2627
	<b>E-mail:</b>	chris.thornton@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	RICHARD IVORY, Director of Governance, Legal and HR	<b>Tel:</b> 023 8083 2794
	<b>E-mail:</b>	Richard.ivory@southampton.gov.uk	
<b>STATEMENT OF CONFIDENTIALITY</b>			
None			
<b>BRIEF SUMMARY</b>			
A report detailing the statistical information for the financial year 2022-23 with regard to information governance. This report details statistical information on requests received under the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR), the UK General Data Protection Regulation (GDPR) and the Council's activity under the Regulation of Investigatory Powers Act 2000 (RIPA).			
<b>RECOMMENDATIONS:</b>			
	(i)	To note and comment on the update of the statistical information for the year 1 <sup>st</sup> April 2022 – 31 <sup>st</sup> March 2023 relating to: <ul style="list-style-type: none"> <li>• FOIA and associated legislation</li> <li>• GDPR</li> <li>• RIPA 2000</li> </ul>	
	(ii)	To note the updated Corporate Surveillance document (October 2023) attached at appendix 1	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	To keep Members informed as to the impact of the legislation to the Council and to detail the form and type of information requests received in 2022-23.		
2.	To ensure that Members continue to be aware of the Council's statutory obligations and compliance performance.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
3.	The alternative to bringing this report before members is to not report the yearly analysis. This was rejected because it is considered to be good governance to report such matters to Members, provides an audit trail to demonstrate to the Information Commissioner that the Council has a robust structure in place to comply with the legislation, and to maintain the profile of information law requirements and resource implication within the organisation.		

**DETAIL (Including consultation carried out)**

- 4. This report will be published on the Council’s website
- FOIA**
- 5. FOIA and EIR gives separate rights to request information and environmental information from public authorities. Responses must be issued within 20 working days.
- 6. Under the FOIA and associated legislation, anybody may request information from a public authority with functions in England, Wales and/or Northern Ireland. Subject to exemptions, the FOIA confers two statutory rights on applicants:
  - (i) The right to be told whether or not the public authority holds that information; and
  - (ii) The right to have that information communicated to them
- 7. There are two types of exemptions that may apply to requests for information – absolute and qualified.
- 8. Information that falls into a particular exemption category, for example information relating to commercial interests, will have to be disclosed unless it can be successfully argued that the public interest in withholding it is greater than the public interest in releasing it. Such exemptions are known as qualified exemptions.
- 9. Where information falls within the terms of an absolute exemption, for example, information reasonably accessible by other means or information contained in court records, a public authority may withhold the information without considering any public interest arguments.
- 10. For 2022-23, the Council received 1175 requests, broken down as follows:
 

Total Requests	FOI Requests	EIR Requests
1175	1057	118



12. The Directorate breakdown of the requests is as follows:

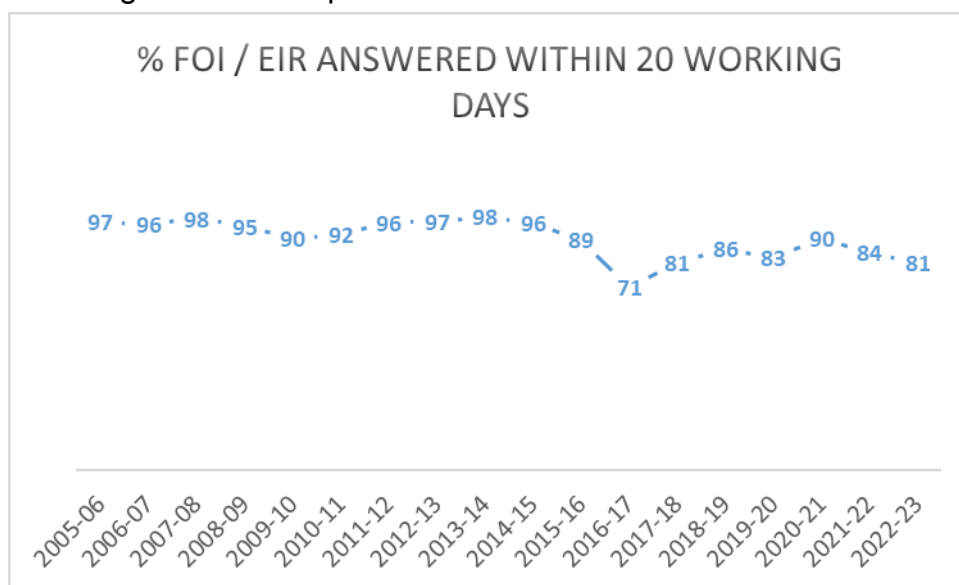
Directorate	No. Rec'd	Responded On Time	Responded Late	Av. Days Taken
Children and Learning	167	66%	34%	25
Corporate Services	272	85%	15%	16
Place	460	85%	15%	18
Strategy & Performance	27	79%	21%	19
Wellbeing and Housing	243	79%	21%	19
Not allocated	6	N/A	N/A	N/A
<b>Grand Total</b>	<b>1175</b>	<b>81%</b>	<b>19%</b>	<b>19</b>

Compliance is calculated from the requests *responded to* within the year. This may include requests *received* in the previous year.

Requests are not allocated to a directorate when it is not clear what information is sought from the request. Clarification is requested, and if this is not received within 3 months, the request is deemed to be lapsed.

13. During the year, 81% of all monitored FOI and EIR requests were responded to within the statutory deadline of 20 working days. This is a decrease on the previous year, most likely due to the Council prioritising other services, significantly in Children and Learning.

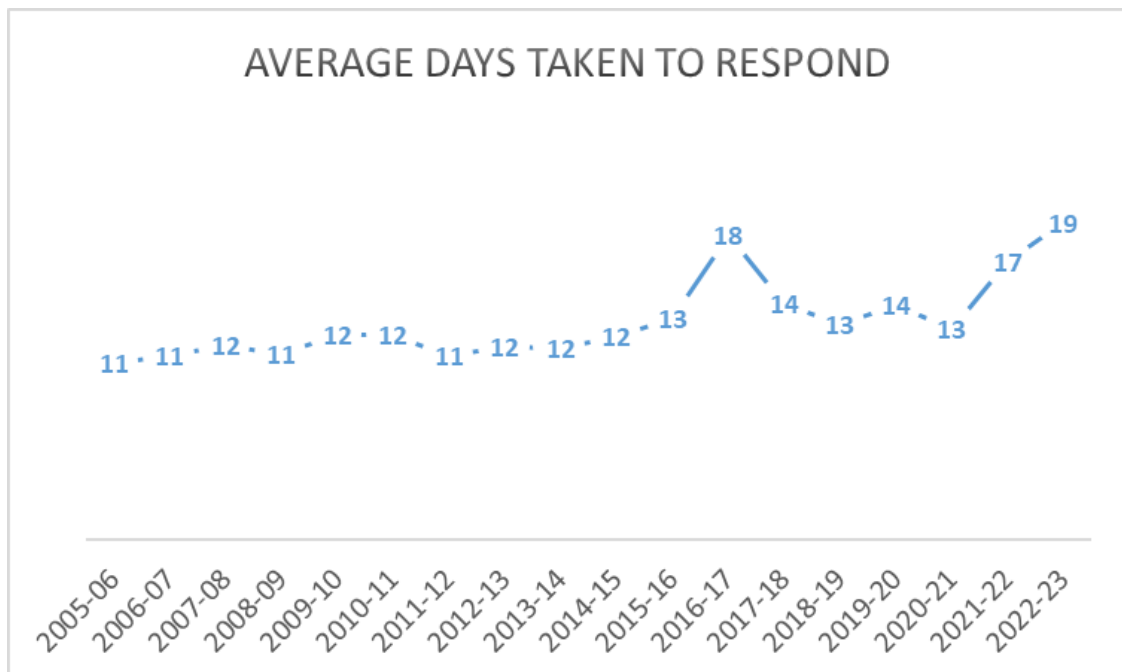
The Council's target rate for responses is 90%.



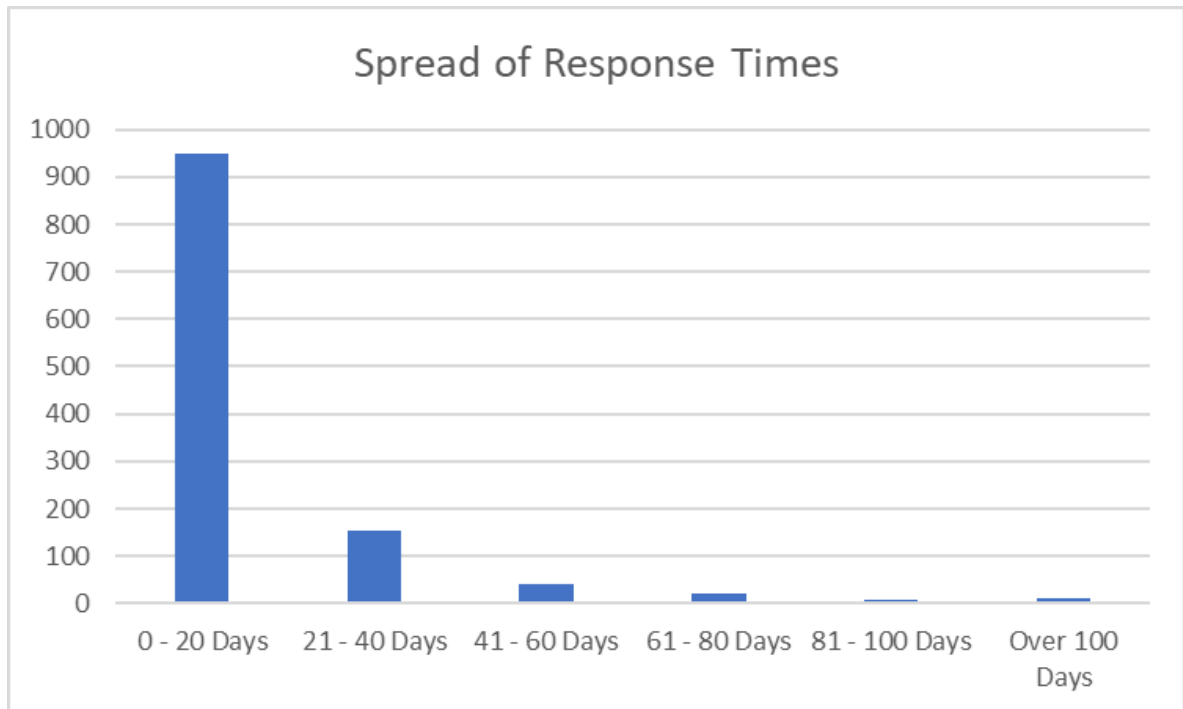
14. Reasons why a request might not be answered within the statutory timeframe are as follows:

- Requests not being referred to the Corporate Legal team when received by the service area
- Service areas experiencing high workloads for other statutory services, that have a higher priority.
- Requests being initially allocated to the incorrect service area, and this does not become apparent until near the end of the deadline.
- Human / administrative errors.
- The complexity of the request – for example, if there are a large number of components to the response that need to be compiled to respond in full, but a costs limits/staff time exemption can't be applied, more than one exemption needs to be applied, or a large amount of redaction is required (this can't be considered in the costs limits).
- The request contains inaccuracies - for example, if a response is initially sent out on time but is later identified to contain errors, a revised response should be sent and it is likely that such instances will take us past the deadlines.
- Staff absence, particularly if the service area holding the data is a small team, or the request needs approval from a particular individual
- Representations are sought from third parties regarding the request (e.g. those that might have commercial interests in the data being released).

15. The average days taken to respond has increased to 19 days, which represents the highest average since the FOIA came into force.



16. However, the vast majority of requests were responded to within the 20-working day period:



17. Reasons for delays in the requests that exceeded 100 days included:

- Service areas failing to respond or engage within the initial timeframe, and the majority of their engagement with the requests coming after the deadline date. This is rare, and it is more common for service areas to engage within the timeframe.
- Requests generally becoming more complex, involving more service areas. This has resulted in a more complicated co-ordination process
- Workloads and staffing issues within the service areas, notably Children’s Services

For the other requests that went overdue, the general reason were resourced-based, with service areas prioritising core service provision.

18. Under FOIA, where the cost of responding to the request will exceed the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (which is currently set at £450 for local authorities), the Council may refuse to comply with it. For 2022-23, the Council issued 64 Refusal Notices on fees grounds, which represents a slight decrease, with 69 being issued last year.

19.	<p>When applying the fees exemption, the service area looks at the amount of time it would take to locate the information sought. If the fee limit is exceeded, it is usually because individual records or files have to be searched (i.e. the information requested doesn't form part of a reportable field).</p> <p>The service area would be asked to do a sample search, which would give the Council an estimate / average time, which is then used to calculate the total time. E.g. if searching one file would take 5 minutes on average, searching 250 files would take 1250 minutes, which equates to 20.8 hours (and over the 18 hour fee limit).</p> <p>Each "item" requested needs to be looked at separately, however, which is why the Council might issue a partial response (some of the information can be disclosed within 18 hours, and some cannot).</p>								
20.	<p>The breakdown of the request outcomes is as follows:</p> <table border="1" data-bbox="245 719 1458 904"> <thead> <tr> <th data-bbox="245 719 852 763">Outcome</th> <th data-bbox="857 719 1458 763">No. of Requests Closed in Period</th> </tr> </thead> <tbody> <tr> <td data-bbox="245 770 852 815">Fully Answered</td> <td data-bbox="857 770 1458 815">979</td> </tr> <tr> <td data-bbox="245 822 852 866">Refused or Part Refused</td> <td data-bbox="857 822 1458 866">113</td> </tr> <tr> <td data-bbox="245 873 852 904">Lapsed or Withdrawn</td> <td data-bbox="857 873 1458 904">90</td> </tr> </tbody> </table> <p>Fully answered requests include those where information is not held, or an exemption has been applied. This would still be classed as being fully answered.</p> <p>Refused or part-refused requests are where the request has been refused in its entirety, or only certain elements have been refused (e.g. on cost grounds). Other reasons for refusal will be because the request is vexatious or repetitive in nature.</p> <p>Lapsed or withdrawn requests are where the requester has actively withdrawn their request, or has not come back with clarification when asked within 3 months.</p>	Outcome	No. of Requests Closed in Period	Fully Answered	979	Refused or Part Refused	113	Lapsed or Withdrawn	90
Outcome	No. of Requests Closed in Period								
Fully Answered	979								
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21.	<p>13 individuals requested internal reviews regarding decisions made to withhold, partially withhold information requested, or where they were generally unhappy with how their request was handled.</p>								
22.	<p>The themes of the internal reviews were as follows:</p> <ul style="list-style-type: none"> <li>• The requester was unhappy that their request has been deemed to be vexatious</li> <li>• The requester was unhappy with the request being refused on the grounds of cost (i.e. they were not satisfied with the Council's estimate)</li> <li>• The requester was unhappy with the Council's application of an exemption to withhold information (e.g. commercial interests).</li> <li>• The requester was not satisfied that all information within scope of their request had been provided.</li> </ul>								
23.	<p>This year, 1 appeal was made to the ICO, which related to a complaint that the Council had not issued a response within the statutory timeframe. A response was issued, and no further action was taken by the ICO.</p>								

24.	<p>As with all years, types of requests have been varied and covered every service area of the Council, including budget, HR, council tax and business rates data, schools, highways maintenance, and social services.</p> <p>The top ten request subjects ranked in order of popularity are as follows:</p> <table border="1" data-bbox="231 398 1086 972"> <thead> <tr> <th data-bbox="231 398 954 454">Service Area</th> <th data-bbox="954 398 1086 454">No.</th> </tr> </thead> <tbody> <tr> <td data-bbox="231 454 954 510">Housing</td> <td data-bbox="954 454 1086 510">79</td> </tr> <tr> <td data-bbox="231 510 954 566">Highways</td> <td data-bbox="954 510 1086 566">67</td> </tr> <tr> <td data-bbox="231 566 954 622">HR</td> <td data-bbox="954 566 1086 622">49</td> </tr> <tr> <td data-bbox="231 622 954 678">Schools</td> <td data-bbox="954 622 1086 678">49</td> </tr> <tr> <td data-bbox="231 678 954 734">Parking</td> <td data-bbox="954 678 1086 734">46</td> </tr> <tr> <td data-bbox="231 734 954 790">Procurement</td> <td data-bbox="954 734 1086 790">38</td> </tr> <tr> <td data-bbox="231 790 954 846">Environmental Health</td> <td data-bbox="954 790 1086 846">36</td> </tr> <tr> <td data-bbox="231 846 954 902">Planning</td> <td data-bbox="954 846 1086 902">35</td> </tr> <tr> <td data-bbox="231 902 954 958">HMOs</td> <td data-bbox="954 902 1086 958">32</td> </tr> <tr> <td data-bbox="231 958 954 972">Information communication technology</td> <td data-bbox="954 958 1086 972">32</td> </tr> </tbody> </table>	Service Area	No.	Housing	79	Highways	67	HR	49	Schools	49	Parking	46	Procurement	38	Environmental Health	36	Planning	35	HMOs	32	Information communication technology	32
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25.	<p>The breakdown of requester type is as follows:</p> <table border="1" data-bbox="244 1070 1458 1301"> <thead> <tr> <th data-bbox="244 1070 852 1126">Requester Category</th> <th data-bbox="852 1070 1458 1126">% of Requests</th> </tr> </thead> <tbody> <tr> <td data-bbox="244 1126 852 1171">Private Citizens</td> <td data-bbox="852 1126 1458 1171">63%</td> </tr> <tr> <td data-bbox="244 1171 852 1216">Companies / Businesses</td> <td data-bbox="852 1171 1458 1216">13%</td> </tr> <tr> <td data-bbox="244 1216 852 1261">Media</td> <td data-bbox="852 1216 1458 1261">11%</td> </tr> <tr> <td data-bbox="244 1261 852 1301">Remainder</td> <td data-bbox="852 1261 1458 1301">13%</td> </tr> </tbody> </table> <p>The remaining requests came from a combination of charities, students, researchers, lobby groups, MPs / Members and other Councils etc.</p>	Requester Category	% of Requests	Private Citizens	63%	Companies / Businesses	13%	Media	11%	Remainder	13%												
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26.	<p>Previously, Members requested information as to how much time and resources each Service spends on dealing with requests. Research from Parliamentary post-legislative scrutiny of the Act indicates “the best-performing local authorities took between 1 and 6 hours for each request”. We can estimate that our time spend on requests is comparable to this and using the £25 per hour rate that the Act allows us to charge for staff time when refusing requests, we can estimate that each request costs the Council between £25 and £150 to respond on average.</p>																						
27.	<p>As Corporate Legal accurately time-record, we are able to detail how much time it takes to log, monitor, and give advice on requests. For 2022-23, the average time taken per request was just under 1.5 hours. Most requests (around 70%) take around half an hour to action within the Corporate Legal Team but, where detailed exemptions and redactions are needed, this can increase time taken on a single request for very complex cases.</p>																						

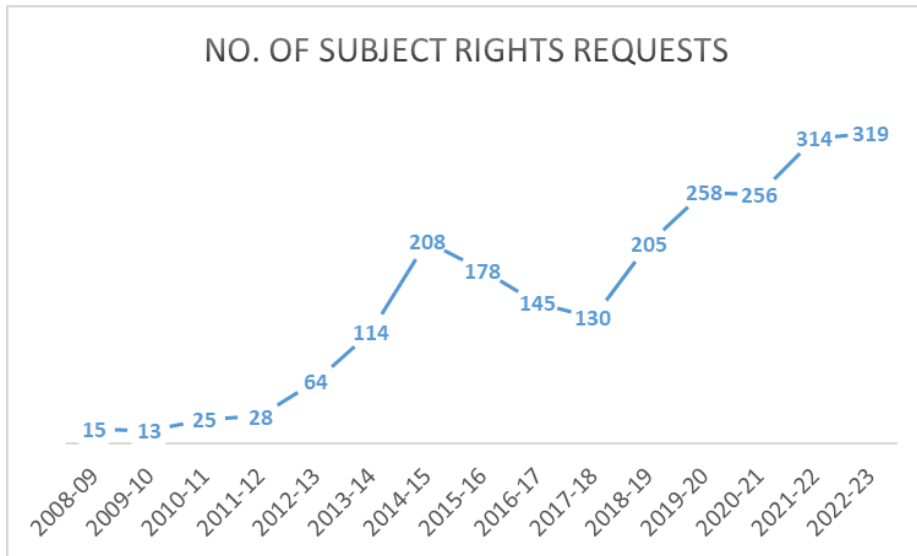
28.	<p>For example, the Corporate Legal time spent just over 13 hours on one single request in 2022-23. The average therefore predominantly represents the time taken for detailed application of legal tests to requests where the Council seeks to withhold certain information from release.</p> <p>The total amount of time the Corporate Legal team spent on processing and providing advice on FOI requests for 2022-23 was 1639 hours, which equates to a cost of £59,646.</p>																								
29.	<p>In providing advice and guidance on all information governance matters for 2022-23 (e.g. processing information requests, investigating breaches, conducting Data Protection Impact Assessments etc.), the Corporate Legal team spent 5875 hours, equating to a cost of £256,729. This includes:</p> <table border="1" data-bbox="248 674 1520 1055"> <thead> <tr> <th data-bbox="248 674 1102 719">Information Governance Work</th> <th data-bbox="1102 674 1273 719">Hours</th> <th data-bbox="1273 674 1520 719">Cost</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 719 1102 763">FOI Requests</td> <td data-bbox="1102 719 1273 763">1639</td> <td data-bbox="1273 719 1520 763">£59,646</td> </tr> <tr> <td data-bbox="248 763 1102 808">SAR Requests</td> <td data-bbox="1102 763 1273 808">1446</td> <td data-bbox="1273 763 1520 808">£56,880</td> </tr> <tr> <td data-bbox="248 808 1102 853">Providing General Data Protection Advice</td> <td data-bbox="1102 808 1273 853">987</td> <td data-bbox="1273 808 1520 853">£56,714</td> </tr> <tr> <td data-bbox="248 853 1102 898">Third Party, CCTV, and Re-Use Requests</td> <td data-bbox="1102 853 1273 898">643</td> <td data-bbox="1273 853 1520 898">£30,271</td> </tr> <tr> <td data-bbox="248 898 1102 943">Investigating Data Breaches, Complaints, or Concerns</td> <td data-bbox="1102 898 1273 943">324</td> <td data-bbox="1273 898 1520 943">£15,939</td> </tr> <tr> <td data-bbox="248 943 1102 987">Conducting Data Protection Impact Assessments</td> <td data-bbox="1102 943 1273 987">249</td> <td data-bbox="1273 943 1520 987">£14,274</td> </tr> <tr> <td data-bbox="248 987 1102 1055">RIPA advice</td> <td data-bbox="1102 987 1273 1055">62</td> <td data-bbox="1273 987 1520 1055">£3,675</td> </tr> </tbody> </table>	Information Governance Work	Hours	Cost	FOI Requests	1639	£59,646	SAR Requests	1446	£56,880	Providing General Data Protection Advice	987	£56,714	Third Party, CCTV, and Re-Use Requests	643	£30,271	Investigating Data Breaches, Complaints, or Concerns	324	£15,939	Conducting Data Protection Impact Assessments	249	£14,274	RIPA advice	62	£3,675
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30.	<p>It should be stressed that these figures do not include the time taken for Business Support or the service areas' involvement in these matters, and the Council does not have a mechanism for capturing that resource cost (which comprises the bulk of any cost to the Council).</p>																								
31.	<p>In the Corporate Legal team there are now 3 FTE member of staff dedicated to providing advice and monitoring compliance with information law. Other members of Legal Services, the Director, Head of Legal Partnerships and apprentices support this function when their capacity allows.</p>																								
<b>GENERAL DATA PROTECTION REGULATION</b>																									
32.	<p>The GDPR gives individuals the right to know what information is held about them, along with other rights, and provides a framework to ensure that personal information is handled properly.</p>																								
33.	<p>Under the GDPR, an individual is entitled to access personal data held by an organisation, of which that individual is the data subject. Such requests for information are known as subject access requests. Other requests available under the GDPR are:</p> <ul style="list-style-type: none"> <li>• Rectification</li> <li>• Erasure</li> <li>• Restriction</li> <li>• Object</li> <li>• Portability</li> </ul> <p>The Council has to respond to such requests within one calendar month.</p>																								



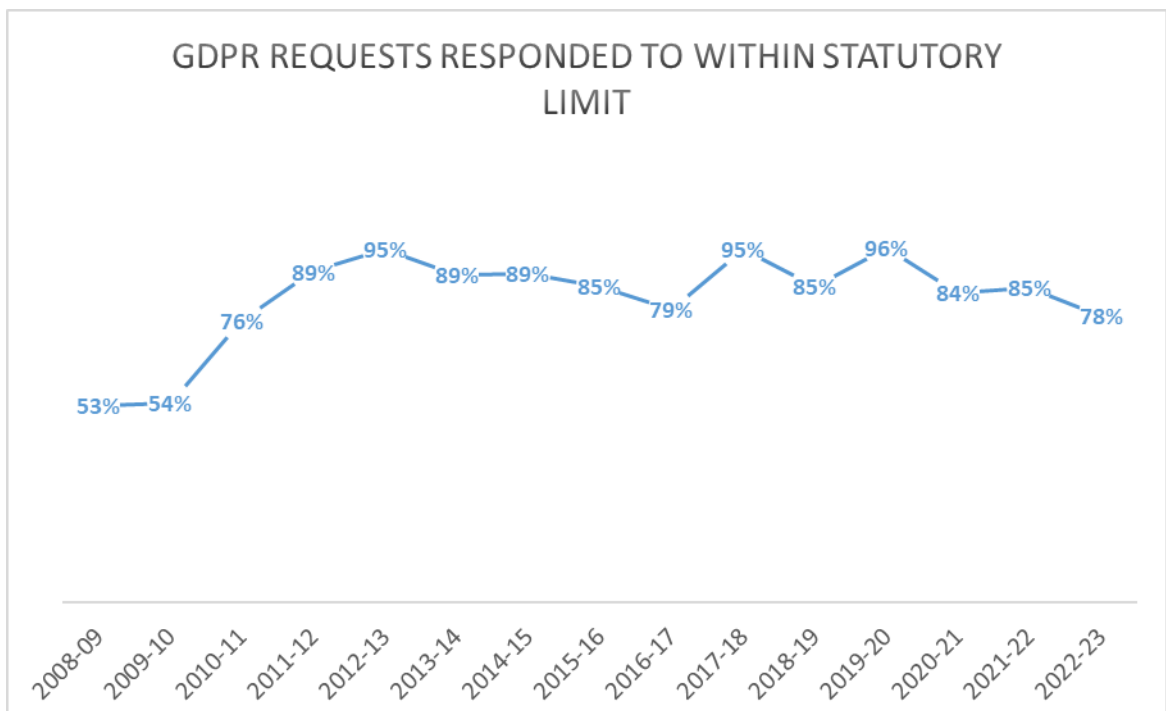
34. For the year 2022-23, the Council received 319 rights requests, broken down as follows:

Request Type	No. Received
Subject Access	304
Erasure	7
Rectification	4
Objection	4

35. This represents an increase on last year, and the Council have continued to receive an increasing number of such requests since the introduction of the GDPR in 2018.



36. 85% of the requests were responded to within the statutory timescales compared with 78% last year. Again, the Council's target is 90% compliance.



This reduction can be attributed to the number of requests received by Children and Learning, who often have reduced capacity to deal with these complex requests. Also, requests involving social care data are almost always complex, and involve a great deal of resources and time to collate and prepare the information.

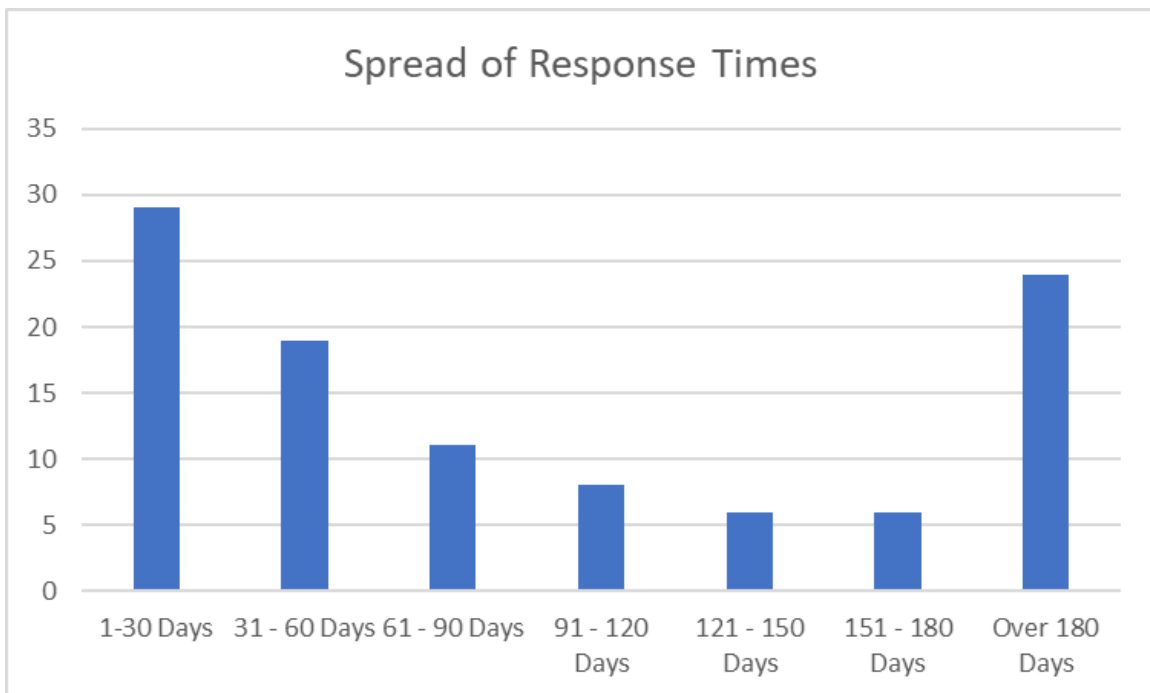
37. The Directorate breakdown is as follows:

	No. Rec'd	Responded on time	Responded Late	Av. Days Taken
Children and Learning)	190	69%	31%	86
Corporate Services	32	100%	0%	20
Place	27	93%	7%	24
Strategy and Performance	7	100%	0%	4
Wellbeing and Housing	62	91%	9%	27
Not allocated to Directorate	1	N/A	N/A	N/A
<b>Grand Total</b>	<b>319</b>	<b>78%</b>	<b>22%</b>	<b>65</b>

Compliance is calculated from the requests *responded to* within the year. This may include requests *received* in the previous year.

Requests are not allocated to a directorate when it is not clear what information is sought from the request. Clarification is requested, and if this is not received within 3 months, the request is deemed to be lapsed.

38. The vast majority of requests were responded to within the one-month period.



It should be noted with SARs that the GDPR enables the Council to extend the deadline up to 90 days, if the request is particularly complex. As such, those that took up to 90 days may not necessarily be "late".

39.	<p>The delays generally occurred within the Children and Learning, which is to be expected as they receive the largest volume of requests. For requests that took over 100 days to respond to, the main themes were:</p> <ul style="list-style-type: none"> <li>• The volume and complexity of requests for social care information</li> <li>• Issues / delay in replacing and training the Children’s “Single Point of Contact” (SPOC) officer, a key member of staff who co-ordinates the responses to such requests.</li> <li>• Children and Learning clearing a large backlog of requests. This was done on a first-come-first-served basis and whilst the backlog was cleared it led to a large number of “late” requests being responded to, attributing to the figures above (which only included requests that were responded to).</li> <li>• Requests involving a large volume of historic records. In most cases, the Council were able to give a partial disclosure on or just after the statutory deadline and then would provide a monthly disclosure bundle until the SAR was complete.</li> <li>• Carrying out necessary checks on disclosure regarding redactions, and seeking input from a relevant social worker</li> </ul>
40.	<p>9 individuals requested internal reviews regarding decisions made to withhold, partially withhold information requested, or where they were generally unhappy with how their request was handled.</p> <p>The themes of reviews are as follows:</p> <ul style="list-style-type: none"> <li>• The requester was not satisfied that the Council had disclosed all information it held on them</li> <li>• The requester was not happy with the delays in responding, and / or the application of the 2-month extension</li> <li>• The requester did not agree with the Council’s interpretation of what constituted their “personal data”.</li> <li>• The requester was not happy with the redactions applied to the documents provided</li> </ul>
41.	<p>There were 2 occasions where the ICO contacted the Council in light of concerns they had about how a request was handled. One complaint was in respect of a late reply to a subject access request, and the other related to the Council’s initial search for information, which was deemed insufficient. However, this issue had already been identified and address as part of an internal review carried out in respect of the request.</p> <p>Both complaints were addressed with not further action from the Commissioner.</p>
42.	<p>Sometimes, there is a requirement to disclose personal data which might otherwise be in breach of the GDPR. Where an exemption from the non-disclosure provisions applies, such disclosure is not in breach of the GDPR.</p> <p>Examples of exemptions include crime and taxation and disclosures required by law or made in connection with legal proceedings. Such requests are typically made to the Council by regulatory authorities such as the police, the Department of Work and Pensions and so on as part of their investigations.</p>

43.	<p>For the year 2022-23 the Council received 304 requests for data from such third-party organisations compared to 343 in the previous year.</p> <p>The top three requester types are as follows:</p> <table border="1" data-bbox="244 315 762 479"> <thead> <tr> <th>Type</th> <th>Requests</th> </tr> </thead> <tbody> <tr> <td>Police</td> <td>128</td> </tr> <tr> <td>Government Agency</td> <td>74</td> </tr> <tr> <td>Local Authority</td> <td>68</td> </tr> </tbody> </table>	Type	Requests	Police	128	Government Agency	74	Local Authority	68
Type	Requests								
Police	128								
Government Agency	74								
Local Authority	68								
44.	<p>In addition to these requests, the CCTV control room (City Watch) and Licensing Team received 1251 and 77 third party requests respectively (all of the Licensing requests were for footage from the vehicle Taxi Cameras). These requests are regulated by information sharing agreements, which removes the requirement to have each one authorised by Corporate Legal.</p>								
	<p><b>DATA SECURITY INCIDENTS</b></p>								
45.	<p>During 2022-23, 196 data security incidents were reported to the Corporate Legal team, which represents a slight drop from last year's 204 reported incidents.</p> <p>72% of these 196 were determined to be actual data breaches upon investigation, with the most common cause (59% of incidents) being data sent electronically to incorrect recipients.</p> <p>It should be noted that a "breach" could include an internal disclosure of information to the wrong member of staff, but as this information has not been shared externally, the detriment to the data subject would be deemed to be minimal.</p>								
46.	<p>The Council records the "severity" of the incidents reported, determined by a number of factors, including the nature of the information involved, the volume of data, and the possible harm the breach might cause to individuals involved. Any incident receiving a severity rating over 1 was considered to require a full investigation and remediation report.</p> <p>For 2022-23, the average severity of incidents determined to be actual breaches was 0.3.</p>								
47.	<p>Two of the data breaches were considered sufficiently serious to be reported to the Information Commissioner's Office. Details of these incidents is as follows:</p> <ul style="list-style-type: none"> <li>• An adopted child found the address of a previous social worker in their memory box, and wrote a letter to their birth father, whom she had not seen for many years. The social worker had left the Council, but the letter was received and forwarded to the father against practice guidelines. Although the letter did not include the child's home address, it did trigger the father's wish to get back involved in their life and caused upset to the adoptive family.</li> <li>• A commissioned provider suffered a ransomware attack, and whilst the Council were not at fault for this, the Council was the data controller for some of the information at risk. The information involved social care data relating to children.</li> </ul>								
48.	<p>In both of these incidents, the ICO considered that no further action was necessary as the Council had put into action adequate and robust remediation plans to address the risks to the individual, and ensure that such errors do not reoccur.</p>								

	<b>NHS TOOLKIT</b>
49.	In order to share information with our health partners, the Council has to provide annual assurance as to the standard of its information governance compliance. In the absence of any service information governance lead, the Corporate Legal Team again assumed short-term responsibility for collation of the Toolkit evidence. The Council was self-assessed at being 100% compliant with the mandatory evidence requirements.
	<b>RIPA</b>
50.	Under RIPA, the Council as a public authority is permitted to carry out directed surveillance, the use of covert human intelligence sources and to obtain communications data if it is both necessary for the purpose of preventing or detecting crime and/or disorder and the proposed form and manner of the activity is proportionate to the alleged offence.
51.	There were no authorisations made under RIPA in 2022-23.
52.	Examples of activity authorised in previous years include covert surveillance of a victim's home to detect acts of criminality, directed surveillance of individuals who were involved in fraudulent activities and a Covert Human Intelligence Source ('CHIS') was used to form an online relationship with a suspect to make a test purchase of suspected counterfeit goods.
53.	The Council is required to formally appoint a 'Senior Responsible Officer' for RIPA. The Director of Governance, Legal & HR, is the officer who undertakes this role. The Senior Responsible Officer has responsibility for maintaining the central record of authorisations; the integrity of the RIPA process within their authority; compliance with the Act and Codes of Practice; oversight of the reporting errors to the Surveillance Commissioner; engagement with inspectors from the Investigatory Powers Commissioner and implementation of any subsequent action plan.
54.	Training for Council officers involved in RIPA processes is regularly undertaken and is delivered by the Corporate Legal Team. Our documentation, procedures and training are also used as 'best practice' by a number of other local authorities and we regularly provide training for partner authorities on request. This year we delivered six training sessions to officers at Eastleigh Borough Council.
55.	The Investigatory Powers Commissioner's Office (formerly the Office of Surveillance Commissioners) carried out its most recent inspection of the Council's management of covert activities in December 2022. In his report of December 2023, The Rt. Hon. Sir Brian Leveson, the Investigatory Powers Commissioner, noted:  "In conclusion, it is clear that SCC remains very well placed as regards its levels of compliance with RIPA and the Investigatory Powers Act. It is positive to see the Policy and training kept on at least an annual refresher basis, and in Mrs Horspool and Mr Ivory, you reap the benefits from their longevity in these particular roles"
56.	The Council's reviewed and updated Corporate Surveillance Guidance for 2023 is attached at appendix 1

<b>DATA PROTECTION IMPACT ASSESSMENTS</b>																			
57.	<p>Under Council policy, a Data Protection Impact Assessment (or DPIA) must be carried out for new projects.</p> <p>Carrying out a DPIA enables the Council to identify and address any privacy risks at an early stage, ensure a “privacy by design approach, and adhere to the accountability principle of the GDPR.</p>																		
58.	<p>In 2022-23, the Council conducted 103 DPIAs, which is a decrease on the previous year. This represents downward trend over the past few years, but the DPIA process is still embedded within project management and procurement. This gives Corporate Legal valuable oversight with regard to any privacy risks associated with new endeavours, and ensuring a “privacy by design” approach.</p> <div style="text-align: center;"> <table border="1"> <caption>DPIAS UNDERTAKEN</caption> <thead> <tr> <th>Year</th> <th>Number of DPIAs</th> </tr> </thead> <tbody> <tr> <td>2015-16</td> <td>15</td> </tr> <tr> <td>2016-17</td> <td>26</td> </tr> <tr> <td>2017-18</td> <td>48</td> </tr> <tr> <td>2018-19</td> <td>139</td> </tr> <tr> <td>2019-20</td> <td>169</td> </tr> <tr> <td>2020-21</td> <td>125</td> </tr> <tr> <td>2021-22</td> <td>128</td> </tr> <tr> <td>2022-23</td> <td>103</td> </tr> </tbody> </table> </div>	Year	Number of DPIAs	2015-16	15	2016-17	26	2017-18	48	2018-19	139	2019-20	169	2020-21	125	2021-22	128	2022-23	103
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<b>RESOURCE IMPLICATIONS</b>																			
<u>Capital/Revenue</u>																			
59.	None directly related to this report. The administration of information law within the authority is managed within corporate overheads, but ensuring that the Council performs to an acceptable information governance standard and complies with the new statutory standards imposed by the GDPR and DPA18 places increased pressure on finite and already stretched resources.																		
<u>Property/Other</u>																			
60.	None directly related to the report.																		
<b>LEGAL IMPLICATIONS</b>																			
<u>Statutory power to undertake proposals in the report:</u>																			
61.	The statutory obligations relating to information law are detailed in the body of this report.																		
<u>Other Legal Implications:</u>																			
62.	None directly related to this report.																		

<b>RISK MANAGEMENT IMPLICATIONS</b>	
63.	The potential impact of the decision in terms of finance, service delivery and reputation is considered to be low. Although the report does highlight potential future pressures on service delivery with the advent of the GDPR, the decision of members in this report is to note the performance of the Council in terms of information governance for 2022-23.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
64.	The information contained in this report is consistent with and not contrary to the Council's policy framework.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	none
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Corporate Surveillance Guidance October 2023
2.	List of authorising officers October 2023

**Documents In Members' Rooms None**

1.	None
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents None**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None