Equality Analysis

Birmingham City Council Analysis Report

<table>
<thead>
<tr>
<th>EA Name</th>
<th>Regulation Of Investigatory Powers Act Policy</th>
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<tbody>
<tr>
<td>Directorate</td>
<td>Economy</td>
</tr>
<tr>
<td>Service Area</td>
<td>Birmingham Audit</td>
</tr>
<tr>
<td>Type</td>
<td>Reviewed Policy</td>
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EA Summary

The Policy is based upon the requirements of The Regulation of Investigatory Powers Act 2000 (‘RIPA’) and the Home Office’s Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (CHIS). It is the Council's obligation to ensure compliance with RIPA legislation and the statutory Codes of Practice. Covert surveillance should be used only rarely and in exceptional circumstances.

Reference Number EA000474

Task Group Manager Cynthia.Carran@birmingham.gov.uk

Task Group Members Paula.Moloney@birmingham.gov.uk, susan.payne@birmingham.gov.uk, Louise.Cartwright@birmingham.gov.uk

Date Approved 2015-01-13 00:00:00 +0000

Senior Officer Kay.Reid@birmingham.gov.uk

Quality Control Officer Cynthia.Carran@birmingham.gov.uk

Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Overall Purpose

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.
1 **Activity Type**

The activity has been identified as a Reviewed Policy.

2 **Overall Purpose**

2.1 **What the Activity is for**

| What is the purpose of this Policy and expected outcomes? | The Policy is based upon the requirements of The Regulation of Investigatory Powers Act 2000 (RIPA) and the Home Offices Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (CHIS). It is the Council's obligation to ensure compliance with RIPA legislation and the statutory Codes of Practice. Covert surveillance should be used only rarely and in exceptional circumstances. |


Aims: The Policy is based upon the requirements of The Regulation of Investigatory Powers Act 2000 ('RIPA') and the Home Office's Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (CHIS). It is the Council's obligation to ensure compliance with RIPA legislation and the statutory Codes of Practice. Covert surveillance should be used only rarely and in exceptional circumstances.

Objectives: The objectives of the RIPA Policy are to provide an:
- overview of what the RIPA legislation is and the Council's obligations
- explanation of the different types of surveillance
- outline of the process to be followed for the conduct and use of CHIS
- outline the process for receiving authorisation for directed surveillance and use of CHIS and how to handle the information that results from this.

Outcomes: The RIPA Policy enables the Council to meet its statutory obligations under RIPA and Home Office's Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (CHIS). It is mandatory for the Council to demonstrate compliance with the above legislation and guidance and there can be harsh penalties imposed for non-compliance with them. If the correct procedures are not followed, evidence may be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Such action would not promote the good reputation of the City Council and will, undoubtedly, be the subject of adverse press and media interest.

Benefits: The results of implementing the Regulation of Investigatory Powers Act Policy are intended to be to the benefit of all citizens of Birmingham as the policy gives confidence to citizens that information is handled in a compliant manner.

For each strategy, please decide whether it is going to be significantly aided by the Function.

<table>
<thead>
<tr>
<th>Public Service Excellence</th>
<th>Yes</th>
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<tr>
<td>A Fair City</td>
<td>Yes</td>
</tr>
<tr>
<td>A Prosperous City</td>
<td>No</td>
</tr>
<tr>
<td>A Democratic City</td>
<td>Yes</td>
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2.2 Individuals affected by the policy

| Will the policy have an impact on service users/stakeholders? | Yes |
The RIPA Policy aims to ensure that individual's rights and freedoms are protected and in accordance with the law. RIPA processes require the council to set out the necessity and proportionality for the use of data. Using personal data to abuse, discriminate or deny access to services is unlawful. The Council is committed to ensuring that personal data that it holds is used fairly and lawfully and in a non-discriminatory manner. Personal data can be of a confidential nature and this confidentiality must be preserved in compliance with the Data Protection principles as defined in the Data Protection Act 1998.

The RIPA Policy sets out how the Council will manage, hold and process personal information in line with the Regulation of Investigatory Powers Act 2000 ('RIPA') and Home Office's Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (CHIS). This will ensure the Council's compliance with legislative and regulatory standards.

Directly employed Council staff and external agencies working for the City Council are covered by the Policy for the time they are working for the City Council.

The RIPA Policy aims to deal with all types of information and data obtained through surveillance in a consistent and fair manner that is compliant with legal and regulatory standards and best practice. There is oversight of the process by the Magistrates Court to ensure that the Council follows the correct procedures.

The management of information is enshrined in the law and the Council is obliged to follow it. RIPA legislation aims to ensure that individual's rights and freedoms are protected. Using personal data to abuse discriminate or deny access to services is unlawful. The City Council is committed to ensuring that personal data that it holds is used fairly and lawfully and in a non-discriminatory manner.

| Will the policy have an impact on employees? | Yes |
| Will the policy have an impact on wider community? | Yes |

### 2.3 Analysis on Initial Assessment

Chairperson:

Summary statement:

Having undertaken an initial impact assessment of the RIPA Policy, we have concluded that as there is no potential adverse impact associated with any aspects of the policy, we should not proceed to a full impact assessment.

Should any equality issue arise during implementation of the policy it will be considered.

Sign-off Date: 30th October 2014
3 Concluding Statement on Full Assessment

Suresh Sharma from the Equalities, Community Safety and Cohesion Team, confirmed on 18th November 2014, that he agreed that this EA did not need to go to a full assessment.

4 Review Date

22/10/17

5 Action Plan

There are no relevant issues, so no action plans are currently required.